

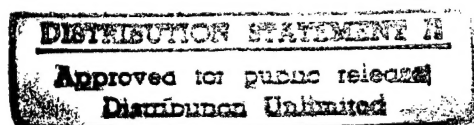
JPRS-EER-92-033  
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# ***JPRS Report***

## **East Europe**



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# East Europe

JPRS-EER-92-033

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## Budapest Daily Reports on Danube Dam Controversy

### Plan Variants Viewed

92CH0364A Budapest NEPSZABADSAG in Hungarian  
13 Feb 92 p 7

[Article by Tibor Kis: "Prague's and Bratislava's Alternatives"]

[Text] Figuring out the Czechoslovak position regarding the Bos[-Nagymaros Dam] remains a difficult task even today, because, as the saying goes: There are as many viewpoints as there are [decisionmaking] bodies. In theory, the controlling view should be the one expressed by the Federal Government, but reality is far more complicated than that. The Federal Assembly and the Pozsony [Bratislava] parliament of the Republic, and above all, the Slovak Government could have a say in this matter.

The chief reason for this is that from the standpoint of the Czechs—the Federal Government—Bos has not been sufficiently important to create a friction with Pozsony. In other words, this meant that as things progressed Prague yielded in many respects to demands made by Bratislava; in the final analysis the Slovak view always proved to be the prevailing view. Thus, for example, the Federal Government has agreed that the Slovak prime minister, who happens to hold that office at any given point in time, negotiate on its behalf with Hungary, and what is at least as important: Prague appears to reconcile itself with the idea of constructing Bos the way Pozsony's wants that to happen.

This is suggested by the fact that last December, at Pozsony's demand, the Federal Government gave its approval to a plan according to which the hydroelectric plant would be built according to the "supplemental solution" conjured up by the Pozsony utility lobby, in case Hungary reneged on the [original] plan. This actually amounts to the oft-mentioned C-version. This alternative is not based on Hungarian involvement. Instead, the Slovaks would build a new embankment on the left bank of the Danube and would divert the water into that basin by shutting off the river with a dam at Dunacsuny [Cunovo].

The hydroelectric plant has been designed for continuous use and not only to satisfy peak demand. Experts claim that all this could be attained without a large loss of water only by constructing dams across the Danube, but the [Slovaks] are sober enough to understand clearly that the Hungarians would not agree to the construction of such dams. The Slovak Environmental Protection Ministry has established 19 conditions for its approval of the C-variant. Most important among these is the requirement that sufficient water be left in the old Danube basin to prevent a substantial depletion of ground water levels and to save forests in the flood zone from damages.

Most recently, all of a sudden the implementation of the C-variant has become endangered despite the Federal Government's approval. This has occurred because in late January the Slovak Government suffered an unexpected defeat in Parliament with respect to Bos. The resolution approved by Parliament highlighted the above-mentioned 19 conditions; in essence, it shifted the balance in favor of the D-variant.

The D-variant has been supported by Josef Vavrousek, federal minister of environmental protection. Vavrousek intends to maintain Hungarian-Czechoslovak cooperation regarding Bos, but he would change the philosophy behind the construction of the hydroelectric plant. Based on the D-version the greatest change would occur in the framework of the Dunakiliti-Kortvelyes reservoir.

The minister agrees that the greatest threat presented by the hydroelectric plant is the pollution of the huge, subsurface potable water reservoir; this would occur as a result of sediment buildup in the reservoir. Under the D-version this process would be prevented by narrowing the Kiliti-Kortvelyes reservoir both on the Hungarian and the Czechoslovak sides to an extent that no sediment buildup could occur.

The Vavrousek plan has not received a green light despite the resolution brought by the Pozsony parliament; supposedly the plan cannot be approved by the Federal Government and the Federal Parliament before Hungary gives its approval. Thus, the way things stand now, it is the much cursed and condemned C-version that appears to be the solution to the problem in Czechoslovakia. This holds true, provided that money is available for all this; calculations indicate that the C-version would cost between 7 and 8 billion crowns; under fortunate conditions, half this amount could momentarily be allocated jointly from the Federal and the Republic's budget.

### Ecological, Political Considerations

92CH0364B Budapest NEPSZABADSAG in Hungarian  
13 Feb 92 p 7

[Article by Ferenc Hajba: "Things That Heighten Emotions"]

[Text] Last August Ladislav Mynacko, the noted Slovak author of belles lettres and commentator on public life, wrote an article for NARODNA OBRODA about Hungary's sense of reality. He called for an international tribunal to determine whether Hungary has unilaterally breached the interstate agreement, thus incurring grave damages to Slovakia. At the end of the shrill, declaratory writing, Mynacko recognized the Hungarian conduct as Lenin's spirit having come alive, because Ilich, too, had cancelled all international agreements entered into by the czar.

As a result of the spectacular commencement of the construction of the supplemental alternative called C-variant, and due to the official admission of this fact, the

Hungarian Government has indeed come close to being forced to cancel the agreement. Constraint seldom produces good solutions—if there can be a good solution at all, in this case.

The first, truly international public appearance of the minister of environmental protection and regional development took place at the center of Lake Ferto, where Sandor K. Keresztes met Austrian Federal Chancellor Franz Vranitzky aboard a vessel. I asked the newly appointed Hungarian minister about the future of the dam, right there, on the boat. He underscored the importance of ecological considerations, rejected the idea of peak demand operations, but did not categorically rule out the possibility that some day the Bos power plant might begin operations in one form or another.

Subsequently, the Hungarian Parliament did not provide much latitude for the negotiating team. Bargains had been ruled out. Gyorgy Samsondi Kiss, the power plant's government commissioner, appropriately called himself "disinvestor" [play on words].

It has become increasingly apparent that the Slovaks would insist on their original perception. From their standpoint this was no longer a legal but a political issue, on occasion with regrettable nationalist overtones. Among other matters, the power plant became the test for Slovak independence. They began implementing the C-variant without adequate funds and with provocative shock work. They probably felt that a three-shift, busy-body activity would prompt the Hungarians to retreat.

A civil movement called Euro-chain had started in Slovakia in opposition to the completion of the dam. People formed a symbolic live chain along the river and tried to awaken the uncertain, doubt-ridden populace of the affected settlements. A few incidents with the police occurred, and the Herkules group, defining itself as the protector and savior of Slovak national interests, threatened to kill the leaders of Euro-chain.

Meanwhile, bulldozers worked nonstop to prepare the ground for the repositioning of the embankment segment. Some Hungarian representatives dismissed the matter, they thought that some gravel pit was being built and vouched not to be scared of paper tigers. The government commissioner himself did not believe that the C-variant was in the progress of being implemented, nevertheless he cautiously did not rule out the possibility that the Slovaks would go into a frenzy and proceed with construction. So much so that they would not even stop until the supplemental solution was complete.

Hungarian water resource management professionals observed the work from the Dunakiliti dam's command center. They reported their findings immediately: this could only be the C-variant. Some of them let their tongue slip and told the press about what they saw, and surely enough, they were blamed for having joined the extortionist camp of the Slovaks.

Not too long ago a new instrument had been added to the Dunakiliti dam. Its sensors can be found in front of the command center, near the ground. It is somewhat of a paradox that right there the instrument measures the competitors of the dam: radioactive emission levels from the neighboring country. One can also sense the political public mood in the border region, even though not so accurately and objectively. One can only make predictions as to what could happen if the agreement were to be cancelled. Mr. Julius Binder, the president of the Pozsony-based investment firm, the "Slovak Oviber," showed us video recordings the last time we paid a visit. The Hungarian and Slovak leaders of the affected settlements support the construction of the dam, albeit not enthusiastically. A few of them used an entirely different tenor at protest meetings. They most likely wanted to say the right thing to someone in both instances. What is their situation going to be if the relationship between Hungarians and Slovaks further deteriorates as a result of the power plant? Could this be a consideration in the ecological debate?

Could it be that in order to take revenge for the past and [to justify our] present inability to act, the damned power plant at the river that links our countries heightens our emotions?

#### International Law Expert Interviewed

92CH0364C Budapest NEPSZABADSAG in Hungarian  
13 Feb 92 p 7

[Interview with Laszlo Valki, international lawyer, by A.F.; place and date not given: "Laszlo Valki: Crass Violation of the Law"—first paragraph is NEPSZABADSAG introduction]

[Text] After the three parliamentary committees having jurisdiction—the foreign affairs, the economic, and the environmental protection committees—have dealt with this matter, it will become the function of the National Assembly to decide whether it wishes to serve notice of cancellation of the interstate agreement entered into by Hungary and Czechoslovakia in 1977. We asked international law specialist Laszlo Valki about the consequences of such unilateral action.

[Valki] The so-called C-variant constitutes a crass violation of laws. The only available response to this is the cancellation of the agreement.

[A.F.] In other words, does Hungary act in a manner consistent with law in this instance?

[Valki] The Czechoslovak head of state and the chairman of the Parliament have confirmed in their latest letter that the work presently performed within our country's territory has to do with implementing the C-variant, mentioned as the substitute solution. I do not believe that cancelling the agreement would not have truly grave foreign policy implications. We have kept the



Czechoslovak party in an uncertain situation for quite some time, by cancelling the agreement we would have a clear slate at last.

[A.F.] What can we expect to happen hereafter?

[Valki] No one should expect the Czechoslovak party to joyfully acknowledge our decision. However, one must not assign greater significance to short-term diplomatic considerations than to long term, grave environmental threats. Dissolving the agreement may, of course, result in a legal dispute between the two countries, but I feel that Hungary could conceivably turn to the International Court in The Hague.

[A.F.] What happens if the Czechoslovak party fails to appear in court and continues implementing the C-alternative?

[Valki] A difficult situation would arise, but we could take further diplomatic steps before international forums (e.g., the Danube Committee, the institutions of the Helsinki process), and in countries that are parties to the Paris Peace Treaty. This would be appropriate because by diverting the Danube, the C-variant creates a border dispute. As a last resort we have the right to impose sanctions.

[A.F.] Professionals from the Czech and Slovak Republics claim that they intend to divert the Danube only in areas where both banks belong to them.

[Valki] This is true, but since down river the Danube would be forced into an artificial basin, all this would also affect the subsequent, common stretch of the river.

[A.F.] Is it true that the 1977 agreement reflects professionalism?

[Valki] Unfortunately, light is shed upon the shortcomings of an agreement only later. Its greatest shortcoming may be the fact that it represents a harmful decision from the standpoint of both countries.

#### **Poll on Government Activity, Economy Published**

*AU1103182792 Budapest NEPSZABADSAG  
in Hungarian 9 Mar 92 pp 1, 7*

[Report by Geza Lajos Nagy: "Only 34 Percent of the Population Would Vote for the Government Coalition If Elections Were Held This Sunday"]

[Excerpts] The Hungarian Gallup Institute carried out an opinion poll between 16 and 19 January 1992 among 1,000 people representing Hungary's adult population. We publish here some of the details of a comprehensive study.

Analyzing the opinions from the viewpoint of social affiliation, one can conclude that a previous trend continues to be valid, namely that the opinions differ primarily on the basis of the people's party preference: The potential supporters of the coalition parties give a

more preferable opinion than the population as a whole about the economic situation, the standard of living, the families' financial situation, and the present and future political conditions. A firm critical attitude is characteristic of the "other side": the supporters of the opposition parties. Those who firmly oppose any participation in the elections and the large number of people who do not have any political party preference reacted similarly with the "opposition" supporters. [passage omitted]

Ever since May 1991, the Hungarian Gallup Institute has been examining the party preferences of the Hungarian population every month. The regular question is the following: "What party would you vote for if the elections were held next Sunday?" In January 1992, 26 percent of the population would have refrained from participating in an election, and 19 percent said they would have not known what to do. According to the "number of votes received," the list of the parties stood as follows: 1) Federation of Young Democrats [FIDESZ], with 34 percent; 2) The Hungarian Democratic Forum [MDF], with 21 percent; 3) The Alliance of Free Democrats [SZDSZ], with 15 percent. Then come the Hungarian Socialist Party [MSZP], with 11 percent; the Independent Smallholders' Party [FKgP], with 8 percent, and the Christian Democratic People's Party [KDNP], with 5 percent. Some 6 percent of the "voters" would vote for other parties. Just like for the entire period of the study, it is also valid for January that most of the "voters" would vote for one of the opposition parties "if elections were held in Hungary next Sunday." [passage omitted] The people's opinion about the government activity did not change from December 1991 to January 1992. Some four-tenths of the population are confident that "the government is leading the country in the right direction." The rest, or 55 percent of the population do not think so. The supporters of the coalition parties have a more positive opinion than any other group of people. Three-quarters of these supporters have confidence in the government activity, and one-fifth do not have confidence in the government activity. [passage omitted]

In January 1992 more than half of the people regarded Hungary's economic situation as "bad" (41 percent) or "very bad" (15 percent), while 41 percent of the people regarded the situation as "medium." As for the future prospects, 62 percent of the people thought that "we should count on further deterioration" of the economic situation in the coming one or two years. Some 19 percent thought that there would be no change, and 14 percent had confidence in our ability to overcome the difficulties. [passage omitted]

Compared with the past year, in January 1991, 68 percent of the people thought they had experienced a deterioration in the financial situation of their families and households. Some 36 percent thought that their living conditions had "somewhat" deteriorated, and 32 percent thought that their living conditions had deteriorated "a lot." Some 27 percent of the people lived under similar financial conditions, and only 4 percent spoke

about improving living conditions. Regarding the future prospects, 56 percent of the population thought of a deterioration in the financial situation of their families and households. Some 10 percent thought there had been an improvement in this situation, and 31 percent thought the situation was unchanged. [passage omitted]

Regarding Hungary's political situation, there has been a relatively strong stability in the political evaluation since May 1991. January did not bring any change in this evaluation: Almost half the population (48 percent) regarded the "current situation" as mediocre; 28 percent regarded it as bad; 7 percent regarded it as good, and 8 percent regarded it as very bad. The situation is similar regarding the people's degree of satisfaction with the political conditions in Hungary. More than half of the population (57 percent) are dissatisfied with "the process of political restructuring," while 35 percent of the population are satisfied with it.

There is a marked polarity among the electoral "blocs" and also within the "coalition." While most of the supporters of the government parties (56 percent) expressed their satisfaction with the political changes in Hungary, most of the opposition and most of the small-holders (61 and 65 percent respectively) expressed their dissatisfaction with these changes. Most of the people who "abstained" (63 percent) shared the position of the opposition.

#### **MSZP's Gal Defends Left, Criticizes MDF**

*AU0503144992 Budapest MAGYAR HIRLAP  
in Hungarian 3 Mar 92 p 9*

[Interview with Zoltan Gal, head of the parliamentary faction of the Hungarian Socialist Party, MSZP, by Janos L. Laszlo; place and date not given: "Those Who Are Able To Preserve Their Power Keep Silent About Leftism"]

[Text] In the position drawn up at its meeting over the weekend, the National Presidium of the Hungarian Democratic Forum [MDF] tried to differentiate between the real left-wing movement and the persons and movement that, in the MDF view, are only calling themselves leftist, while in reality they are trying to preserve their power. It also transpired at the meeting that the assertion of political force is also valid against the concealed remnants of the old party state. We asked Zoltan Gal for his reaction to this position.

[Gal] With this position the MDF organized the political campaign that has started in the last two or three weeks and tried to make it official. Various persons and organizations have spoken about the leftist danger recently; in a recent television broadcast, a minister spoke alarmingly about the possibility of restoration, and even the prime minister joined this struggle, albeit in a more differentiated way than the others. However, we also heard the prime minister say a sentence that is rather dangerous politically, namely that the left-wing movement is also interested in the position of right-wing

extremism. In the course of this clearly deliberate campaign, they tried to blur the differences between the former Hungarian Socialist Workers Party [MSZMP] and the Hungarian Socialist Party [MSZP].

The starting point of the aforementioned position is wrong, because it speaks about the forces that call themselves left-wing forces—including the old trade unions—as if these forces were doing nothing else but trying to preserve their power.

[Laszlo] Do you accept the fact that there are forces in this country that are only making use of the left-wing banner in order to preserve their power and positions?

[Gal] People whose positions enable them to preserve their power are deeply silent about their left-wing orientation, if they are left-wing oriented at all. This accusation is simply not true. The leftist forces are not in a position today to preserve their power. The shortcomings of the economic legislation and the centralization implemented by the new government carry the real danger of possible illegal acts and manipulations during the change in ownership forms. However, this danger is far from being so serious as to need such a tough campaign. The real reason behind this campaign is to justify this government's centralization maneuvers and to hide the governing forces' failure to carry out a real economic restructuring.

[Laszlo] Will the MSZP defend itself against these attacks?

[Gal] The essence of our policy so far has been to accept the political representation of those social strata that, for the time being, have only been losers in this restructuring. The MSZP has been engaged in politics by basing itself on realistic possibilities and considering the national interests. Our proposals have always been predictable, and the MSZP is a correct party. This is precisely the reason that the people's sympathy toward the MSZP has increased, and this is also the reason for the fear among conservative circles. We can and must ward off these accusations by maintaining these lines of our policy, because the whole country would suffer the consequences of a situation in which leftist values were not able to appear more firmly than hitherto in our process of domestic restructuring.

#### **New Weekly Newspaper To Be Published**

*AU1303114592 Budapest MAGYAR HIRLAP  
in Hungarian 11 Mar 92 p 19*

[MTI report: "New Weekly Newspaper: KOZTARSASAG"]

[Text] The first issue of the KOZTARSASAG [REPUBLIC] newspaper will be published on 17 April. The new weekly newspaper will be a colorful, 132-page publication that is "dependent" on the facts and the readers, chief editor Tibor Thurzo told MTI on 10 March. The publishers' aim is to present a weekly that

serves the readers accurately, objectively, honestly, and truthfully, keeping an equal distance from the various parties. The Republic Publishing and Information Inc. [Koztarsasag Kiadoi es Informatikai Rt.], which publishes the KOZTARSASAG, considers the prestigious Hamburg DER SPIEGEL as the model for this publication, the chief editor said.

According to the editors, the KOZTARSASAG will provide ample information to help people understand the deeper meanings of current domestic events and form opinions on these events. Almost uniquely in the Hungarian press, it will attempt to inform its readers about the everyday life of Hungarians living as minorities beyond the borders, and it will also inform Hungarians living beyond the borders on each other's lives. In addition, exclusive interviews, reports on world politics, and articles will be part of the newspaper. The economic section will help entrepreneurs and investors learn about the economic processes and make decisions. Naturally, there will also be a cultural, scientific, and sports section. In this periodical, which will come out on Fridays, the photos and illustrations will, in addition to accompanying the writings, also inform the readers through their independent contents and significance.

### Some 1991 Production Figures Analyzed

AU0503150592 Budapest NEPSZAVA in Hungarian  
3 Mar 92 pp 1, 5

[Article by "V.J.": "The Factual Figures of Economic Downturn—Our Place Behind"]

[Text] A number of statements assessed the 1991 performance of the Hungarian economy. If they were made by government members or coalition party politicians then mainly the positive aspects were emphasized and optimistic opinions were voiced. The opposition usually emphasized the facts contrary to this. What is the truth?

According to the joint expert estimate of the Finance Ministry, the Hungarian National Bank, and the Central Statistical Office, in 1991 the so-called gross national product (GDP) used for measuring the total performance of the economy was 7 to 9 percent below the level in 1990 (using comparable prices). Since the economy's performance also decreased in 1990, this means that we fell back to the level at the beginning of the 1980's.

Industrial production was characterized by the greatest fall. Using comparable prices, in 1991 it was 19.1 percent less than a year before, and almost 30 percent less than three or four years before. Engineering output decreased the most, by some 35 percent. Within this, the production of precision and telecommunication industry and vehicle industry, which represent a higher level of technology, fell by almost half. There was a considerable reduction of output in light industry, mainly in textile, handicraft, and home industry. Within the chemical industry, artificial fertilizer and pesticide production

decreased the most. Even the formerly prospering pharmaceutical industry had to put up with a 30 percent reduction.

The construction industry has been retreating for a decade now. Already in 1990 the performance of building companies was only two-thirds that of a decade before. The decline continued in 1991. Industrial construction suffered the most.

Agricultural production has been decreasing for three consecutive years by an average 3 percent. As a result, last year's output was virtually the same as in 1980, which was some 6 percent below the year before and below the average of the past five years. This happened in spite of the fact that due to the favorable weather conditions plant cultivation could register a 9 percent increase in 1991. (The increase in yield was more than 20 percent in grain and almost 17 percent in industrial plants.)

The figures also indicate the beginning of the Hungarian economy's transformation. Already in 1990 it could be seen that state-owned enterprises and cooperatives had a decreasing proportion in producing the GDP while the proportion of economic units with a legal status doubled.

The national economy's energy consumption was 5.6 percent less in 1991 than in 1990. It is interesting that the drop in energy consumption exceeded 15 percent in the branches of the so-called material production, while the general population consumed 8.5 percent more and public utilities and other consumers used 3 percent more than in 1990. What can we learn from these figures? One fact is that the legal—and not so legal—activities of small private producers increasingly appear in the use of domestic energy. The other is that the expanding bureaucracy is also using more energy.

### Workers Resist Layoffs, Conglomerate Efforts

92CH0368A Budapest NEPSZABADSAG in Hungarian  
15 Feb 92 p 5

[Unattributed article: "The Ones Who Occupied the Plant at Szikszó"]

[Text] (From our [Borsod-Abaúj-Zemplén] county reporter)—Ninety-four workers at Szikszó began fighting to preserve their workplaces and have occupied the Animal Protein Fodder Production Enterprise (ATEV) plant there.

They rejected directions received from the enterprise's Budapest headquarters and barred entry to the commissioner-director dispatched to replace the plant's director, as well as to the director himself. The workers have, in essence, taken possession of the plant.

As this newspaper's Borsod-Abaúj-Zemplén County reporter has learned, the workers' action came in response to an order from headquarters to reduce personnel; they want to dismiss 60 workers at a time when

the plant, which independently accounts for its business, has proven for six months that it could manage on its own. But the Ministry of Agriculture has thus far failed to authorize the separation of this plant from ATEV, and headquarters staff has been adamant to hold the enterprise together. The workers claim that their director has been illegally suspended for this reason, and that the new leader had been appointed to implement the dismissals without mercy. Workers are concerned that while they would be left without bread on the table, [headquarters] would sell the equipment they could work with efficiently, and that headquarters would use the money derived from the sale to rescue the large enterprise with its nine plants located throughout the country.

Despite threats of summoning police, the collective is working every day and is resolve to enforce its determination. They demand to be independent, after which they would like to have a say in the privatization of their plant.

**Statistics on Social Trends Published**  
*AU1303101692 Budapest PESTI HIRLAP*  
*in Hungarian 11 Mar 92 p 6*

[Article by "L.B.": "This Time: Social Processes—20,000 Fewer Hungarians"]

[Text] Several statistical reports have been published on the economic processes of 1991, but social issues rarely came to the forefront. Here follow some data from the Central Statistical Office's summary report published at the end of February 1992.

On 1 January 1992, some 10.335 million people lived on the 93,000-square-meter territory of Hungary. In accordance with the tendency that started in 1981, there are some 20,000 fewer of us than a year ago. Some 126,000 children were born and 90,000 abortions were performed; the number of deaths was 146,000. This is a rather large figure in comparison with other countries. The tendency to get married did not change, because some 66,000 couples went to the registrars' offices, almost as many as in 1990.

However, looking at the employment figures, it seems that the number of people of active earning age is still too high for the number of workplaces. In 1991 the labor situation was characterized by a decreased number of employed people, a fast increase in and relative high level of the number of unemployed, and, in the case of certain enterprises, a forced reduction of working hours. The number of postal and telecommunications workers

decreased least, and staff reduction was less than 10 percent in some enterprises whose production was better than average in the electric energy, chemical, and food industries. Agriculture and the construction industries employed over 20 percent fewer people, and trade and some industrial sectors 15 to 20 percent fewer people. According to data on economic units employing more than 50 people, the gross monthly pay of full-time employees in production sectors was 16,766 forints, and the net average pay was 12,270 forints. Using a 35 percent inflation rate for calculations, this means a considerable reduction of the real value of net average pay. In 1991 some 413,626 people received unemployment benefits, the average monthly gross value of which was 7,310 forints. The consequences of deteriorating earning conditions and a reduced standard of living would probably also be reflected in the welfare provision figures, but this publication did not include them. We can see, though, that the number of pensioners and people receiving allowances increased by 123,500. Some 66,000 more people received family supplements and 10,000 more people received child-care grants and subsidies than in 1990. The number of daycare places decreased by 18 percent to 41,000. Some 394,000 children went to kindergartens, and there were 6,400 fewer kindergarten places in 1991 than in 1990. Some 1.118 million people were educated in basic educational establishments, which is 50,000 fewer than a year before. The demographic peak can be felt in the middle level schools. The number of students in daytime education increased by 18,000 to 534,000 in the last school term.

Book publishing could not boast of great results, either. While in 1990 some 130 million copies of 14,174 works were sent to the shops, in 1991 only 13,552 books were published in 103 million copies.

During the year, several reports of data on crime were published, but we still are not cautious enough. Therefore, it does not do any harm to repeatedly remember the figures.

Last year the number of known crimes was 440,370, which is 100,000 more than in 1990. This figure is alarming even if we consider that this large increase is only 29 percent, and the rate of increase was less than the year before. The vast majority of reported crimes were committed against property, and the number of thefts, burglaries, and deceptions increased most of all. The value of the damages exceeded 21 billion forints, and out of this, only 1.1 billion was recovered. More offenders were discovered in 1991 than in 1990. Nevertheless, some 253,000 crimes were not detected.



**Center Alliance's J. Kaczynski Interviewed**  
*PM1603124192 Krakow GAZETA KRAKOWSKA*  
*in Polish 25 Feb 92 pp 1, 4*

[Interview with Jaroslaw Kaczynski, chairman of the Center Alliance, by Jerzy Palosz; place and date not given—first five paragraphs are GAZETA KRAKOWSKA introduction]

[Text] Jaroslaw Kaczynski has been voted the politician who has achieved the most.

—In 1989, Kaczynski was the architect of the tripartite coalition between the United Peasant Party, the Democratic Party, and Solidarity—a coalition which eventually gave us "a prime minister of our own" [Mazowiecki].

—In 1990, Kaczynski first invoked the slogan "Walesa for President."

—Kaczynski "created" Jan Olszewski as candidate prime minister and played an influential role in his appointment.

In return, Jaroslaw Kaczynski has never been given any significant post in the power structures of the Polish Republic.

[Palosz] Mr. Chairman, the recent difficulties connected with your efforts to restructure the government, and also the latest events in Krakow, where two political groups nearly came to blows because each claimed that it was the legitimate representation of the Center Alliance, indicate a split within the Center Alliance. So is there still a single Center Alliance party, or maybe there are already two or more?

[Kaczynski] The Center Alliance is, of course, still one party. The situation in Krakow is exceptional. Things have been going wrong there for a long time. The Center Alliance leadership was seized by people who should not be in politics at all, not just in the Center Alliance party.

[Palosz] Could you tell us about it in more detail?

[Kaczynski] Mr. Zielinski and certain people associated with him—including, maybe, Mr. Barczyk—together make up the leading group of a certain economic configuration of forces in Krakow. In itself, this is not particularly blameworthy, but we cannot possibly approve the idea of combining such a setup with politics and identifying it with a particular political party. This is the chief reason for our differences in this matter. I believe that if we agreed to approve these setups, then all the apparent ideological differences would instantly disappear. However, we cannot approve them at all, not even at the price of having to organize a completely new Center Alliance group in Krakow from scratch. A particular feature of this situation is the absence of elementary political culture. This makes for absurd statements and excessive ambitions. Some people involved in this setup were even making bids for ministerial positions back in 1990, and

also for positions in the Supreme Chamber of Control, without being able to claim the slightest qualifications for such positions. The same group voted against its own list in the recent elections. This gives us yet another proof that in fact they were interested in furthering their own personal and local ambitions. Nevertheless, there have been attempts to present the ensuing conflict as generated by ideological reasons and to associate it with internal conflicts within our party, where differences of opinion—connected usually with loyalties outside the party—are represented as a clash between the Christian Democrat and non-Christian Democrat elements within the Center Alliance. In fact, our main concern is to ensure that the Center Alliance is not and never can become anyone's political vehicle, and that it remains a group which has evolved out of a struggle with Communism and out of the Solidarity movement rather than out of groups legitimized by the former authorities in power.

[Palosz] Could you tell us more about the economic configuration of forces which you mentioned earlier?

[Kaczynski] I prefer not to elaborate on this subject now, if only because I would then have to cite evidence of the kind required in a court of law. I do not want to involve myself in this type of thing, though we certainly have the evidence to prove our case, and I would not advise anyone to provoke us....

[Palosz] In an interview for our paper, deputy Barczyk mentioned the fact that you had been opposed to the nomination of counselor Olszewski for the post of prime minister. Could you give us your comment regarding this statement?

[Kaczynski] In this way you could make the most absurd allegation about me—you could even maintain that I am tall and fair-haired. The allegation is simply nonsensical. From the very beginning, I was fighting to get counselor Olszewski nominated. Even when he himself, when asked whether he was a candidate for the post of prime minister, still answered: This is only an idea of Jaroslaw Kaczynski's. I forced the idea through the Belweder [palace, seat of president's administration], for which, incidentally, I paid a high price. I also promoted the idea within the framework of the "Group of Five." If I am now charged with opposing it, then by the same token you could make the most preposterous claims about anyone at all.

[Palosz] Is there a personal conflict at the moment between you and Prime Minister Olszewski?

[Kaczynski] I would not look at it in terms of a personal conflict. The Center Alliance is not happy with its position in the government. We have been lumbered with the economy—not because we have asked and fought for it, but rather because there was no competition to take over this particular sector. No one wanted to end up with it. On the other hand, we have not been given a position in the political sector, despite solemn promises.

[Palosz] What did these promises entail?

[Kaczynski] First there was talk of giving my brother the position of minister-head of the Council of Ministers Office. Then, apparently, the president rejected this proposal, so we nominated Slawomir Siwek as candidate for the post. This was approved and it was not until somewhat later, during a government-forming Sejm session, that I received notification that the nomination was, after all, rejected, too.... But we do not want to dwell on these past questions. On the other hand, we are awaiting certain compensatory actions. It is not as if we were actually fighting for government positions. Any political force entering into a coalition with others strives to achieve a certain balance, and anyone who fails to understand it cannot begin to comprehend the nature of politics at all. This is because in the present situation we are expected to take upon ourselves responsibility for both the economy and politics while being denied the decisionmaking capacity in both these areas. I will not deny that we indeed do want to have our own representative in the government presidium, preferably as deputy prime minister.

[Palosz] Do you still consider yourself a member of the government coalition, even after the recent misunderstandings with Prime Minister Olszewski?

[Kaczynski] Of course I do. We here in Poland do not quite understand the nature of a coalition system of government. Everywhere in the world there are occasional conflicts within government coalitions. It is a normal state of affairs. Here we have this peculiar phenomenon which our party is also prone to: As soon as, say, we enter into an alliance with the Christian National Union [ZChN], some of our people will instantly identify with the ZChN policy and outlook and feel themselves ZChN members. On the other hand, certain ZChN activists blame us for being more Center Alliance-oriented than ZChN-oriented. Now, in turn, when we proclaim the necessity of coming to an understanding with the Democratic Union, we hear that in local self-government elections Center Alliance people sometimes draw up joint candidates' lists together with the Democratic Union. Cooperation in the government is not the same as cooperation on an ideological basis. It means no more than simply that: cooperation in running the country. In Italy, the Christian Democrats and the Socialists differ fundamentally in questions of ideology, but for over 30 years they have together formed a center-left government coalition. Here in Poland we still have the phenomenon of negative political identification. It is more important to be against a particular political orientation than in favor of another. This attitude should be overcome, though I will not pretend that it is a difficult task, even within our own party. Some people have tried to use this fact against us, not so much out of ill will as, I think out of very considerable stupidity. Nevertheless, the inclination should be eradicated in Poland's own interest and also in the interest of Center Alliance if its future role is to integrate the center of the Polish political scene.

[Palosz] The government coalition was originally envisaged as center-right. By now, however, it is obvious that an alliance has been formed with the Polish Peasant Party [PSL]. Do you not believe that you are beginning to veer in the direction of center-left?

[Kaczynski] There is no such thing as a center-left right [as published]. We are entering an alliance with the PSL, but it is the PSL-Solidarity orientation. We perceive the process of integrating the center-right parties as a kind of political triangle. The Center Alliance, together with other Christian democrat groups, form one of the tips of the triangle, the peasant Christian parties form the second one, and the conservative liberals, that is, the republicans, the Democratic Right Forum, and other small conservative and liberal groups make up the third tip. This forms a spectrum which, while differing internally, is still acceptable from the Christian democratic viewpoint. On the other hand, as regards the PSL, which is indeed a left-wing party, it simply constitutes an element of the government coalition. It is more than obvious that there can be no talk of any ideological connections.

[Palosz] The PSL is the only serious political force within the triangle you have described. The others are simply marginal parties, while the republicans, for example, are an extraparlimentary group.

[Kaczynski] We are well aware that the moderate center-right group is very fragmented, which reduces its strength. However, I believe that it has a considerable future ahead of it. Our political life is only just beginning to return to the European norm after an interval of nearly half a century. It will take a while before it stabilizes. Let us, for example, consider the ZChN. We are ready to cooperate with them, but from our viewpoint it is a somewhat anachronistic formation. If we had had normal political life in Poland over the past 50 years, such a party would long have disappeared. It is an equivalent of the prewar conservative Catholic right-wing orientation which also incorporated a national tendency, since traditionally the Polish right has been national democrats. Of course, it is not true that the ZChN represents the same kind of nationalistic tendency in its ugly, prewar version. We can cooperate with them, we can even form a joint government with them, but let no one try to persuade us that we are an identical party, for that is not true.

[Palosz] The coalition model sketched by you here cannot command a majority vote in the Sejm. Is it not paradoxical that, for example, Solidarity first supported the government and then voted against the budget, while the Democratic Union, which does not have representatives in the government, supported the budget in the essential matter of the interim budget proposal? In this way, it is, as it were, a passive member of the government coalition in that it is not represented in the government, but in practice supports it in matters of vital importance to the country?



[Kaczynski] If you consider it in terms of mathematical calculations about the votes in the Sejm, a lot can be done here. I am saying this prior to the Sejm debate on the socioeconomic program and the budget. Even if the Democratic Union and the Liberal Democratic Congress opposed the bills, there is a possibility of gaining the majority of votes if, for example, we secure support from the Confederation for an Independent Poland.... I want an agreement with the Democratic Union because I am in favor of creating a stable base for the government's activity over the next several years, not only within parliament, but in the entire political infrastructure. Of course, this requires a sound debate on the program to be adopted, and also a great deal of readiness on the Democratic Union's part to adjust certain views. A readiness to admit that certain phenomena generated by former governments are clearly negative and must be opposed. Thus, we are awaiting a certain opening up of positions.... As you know, a lot of misunderstandings have recently arisen in this sphere....

[Palosz] These misunderstandings are also evident on your own side, in your own group. After all, it was you yourself who was "stabbed in the back" as soon as you began negotiations with the Democratic Union.

[Kaczynski] Indeed. Also within our bloc there are people who maintain that we must first of all draw up a program of our own, and that whether or not the Olszewski government manages to hang on to power is a matter of secondary importance. I hold a decidedly different view on this matter. I believe that a collapse of the present government would spell disaster and that a permanent and stable solution requires an extended coalition. I am not at all reluctant to discuss these issues, though this does not mean that I am ready to make every concession. I will not claim that we would continue the Balcerowicz policy in its pure form, for it is transparently obvious that it has failed.

[Palosz] How, then, do you imagine an optimum coalition configuration which would guarantee relative stability to the government?

[Kaczynski] Clearly, a pact with the Democratic Union. It is not entirely obvious to me what the liberals' position will be, though we were greatly encouraged by their stand during the debate on the election of chairman of the Supreme Chamber of Control. Despite earlier misunderstandings and differences, they consistently voted for our candidate.

[Palosz] How does this statement square with the governmental policy of appointing vice ministers? Why, for example, is Komorowski an opposition member, whereas Szeremietiew is not?

[Kaczynski] There are indeed certain inconsistencies here. However, I cannot take upon myself the responsibility for decisions involving secretaries and under secretaries of state. Nevertheless, let me remind you that Szeremietiew was a candidate to the Sejm from the Citizens' Center Alliance. So just in this case your

example is not relevant. I can also say that I personally have a very high regard for Mr. Komorowski.

[Palosz] The budget debate in the Sejm will start soon. This marks a critical point for the government. How do you assess Prime Minister Olszewski's prospects in this regard?

[Kaczynski] The situation is far from easy, though I refuse to believe that we cannot attain a mathematical majority. I believe that this is possible. However, for me the most important aspect here is the strength of the government group. The essence of the problem rests here. I believe that at this moment that strength is insufficient. It should be augmented.

### Former Ministers To Answer for 'Alcohol Scandal'

*AU123094592 Warsaw ZYCIE WARSZAWY in Polish 5 Mar 92 p 1*

[Report by Piotr Zaremba: "The 'Alcohol Scandal': Charges Against Former Ministers"]

[Text] The Sejm Commission for Constitutional Responsibility wants to place three former ministers of the Rakowski Government and three ministers from the Mazowiecki Government before the State Tribunal for their part in the "alcohol scandal."

The Commission has already investigated the cases of former finance minister Leszek Balcerowicz, interior ministers Czeslaw Kiszczak and Krzysztof Kozlowski, and the former chairman of the Chief Customs Office Jerzy Cwiek. A report on this matter was prepared by the Cimoszewicz Commission in the previous Sejm. Now, on the basis of this, the State Commission for Constitutional Responsibility, at a closed doors meeting on Wednesday [5 March], has decided to submit further conclusions to the Sejm Presidium.

The Commission recommends investigations into the dealings of the following ministers in the Rakowski Government: Ireneusz Sekula (deputy prime minister), Andrzej Wroblewski (minister of finance), and Dominik Jastrzebski (minister of foreign economic cooperation); and the following ministers in the Mazowiecki Government: Aleksander Mackiewicz (minister of domestic trade), Marcin Swiecicki (minister of foreign economic cooperation), and Andrzej Kosiniak-Kamysz (minister of health).

They are accused of violating the law on sober upbringing, which places the government under an obligation to prevent an increase in the consumption of alcohol. In addition, all the former ministers except Kosiniak-Kamysz are accused of neglecting their supervisory duties in their respective ministries.

The Sejm Presidium will convey its approval to the Commission, which will then hold investigations and, on

the basis of the available evidence, decide whether to indict or release the former ministers.

Let us recall the background. In December 1988, Dominik Jastrzebski, Rakowski's minister of foreign economic cooperation, released alcohol importers from the requirement of holding an import license. This resulted in a flood of alcohol imports from the West. Entrepreneurs took advantage of numerous tax and customs concessions. Even though the prices of spirits rose markedly, no customs duty was levied for many months.

In November 1989, the Mazowiecki Government introduced restrictive taxes on alcohol, but some importers continued to enjoy concessions. For example, so-called foreign residents did not pay customs duty at the border as long as the beverages they were importing were for "noncommercial purposes."

In April 1990, the import of spirits and clear vodkas was banned, but "colored" vodkas continued to be imported. Not until July 1990 were the rules governing alcohol imports tidied up and quotas introduced.

At that time, the Supreme Chamber of Control [NIK] published a report on the so-called alcohol scandal. NIK claimed that tax and customs concessions, and eventual exemptions granted on the basis of ambiguous rules, were depriving the state budget of about Z1.7 trillion. NIK also accused some importers of forging customs invoices.

NIK criticized the Finance Ministry for faulty tax regulations and for failing to supervise fiscal chambers, the Ministry of Foreign Economic Cooperation for customs concessions and exemptions and for the inefficiency of customs services, and the Ministry of Internal Trade for the fact that the state was making bulk alcohol purchases from private importers.

The contractual Sejm [the first Sejm after the demise of communism] condemned the "alcohol scandal" as one of the reasons for the "hole in the budget." The flood of cheap alcohol into the country was also considered contrary to the principle of combating alcoholism.

The Sejm appointed an extraordinary commission to investigate alcohol imports. Its most active members were its chairman, Włodzimierz Cimoszewicz (Parliamentary Club of the Democratic Left), and Jacek Sosek (Polish Peasant Party). Within one year, the Commission had found Balcerowicz guilty of permitting loopholes in the tax system, Cwiek guilty of neglecting the customs services under his authority, and Kiszczak and Kozłowski guilty of tolerating a police force too weak to counteract the illicit alcohol trade.

But deputies from the Citizens Parliamentary Club and Democratic Union Parliamentary Club claimed these findings were politically biased, and so the former ministers of the Rakowski Government, under which alcohol imports reached their peak, were never charged. The

Sejm rejected the Commission's recommendation for further action. It never formulated any new conclusions until the end of its term of office.

The present Sejm has "inherited" the Commission's report and given its findings a new lease on life. The Commission has now interviewed four former ministers. All of them, except Balcerowicz, appeared at the Wednesday hearing.

### PSL Leader on Role in Government Coalition

92EP0211A Warsaw POLITYKA in Polish No 5,  
1 Feb 92 p 5

[Interview with Waldemar Pawlak, leader of the Polish Peasant Party, PSL, by Janina Paradowska; place and date not given: "The Country Will Not Be a Folk Museum"]

[Text] [Paradowska] Not long ago, POLITYKA published an interview with Jarosław Kaczyński in which he said that something must be wrong, if the government was held hostage by a party. At the moment, all signs indicate that it is held hostage by the PSL [Polish Peasant Party]. What is really the PSL's attitude to the government?

[Pawlak] First of all, I would rather avoid statements that the government is a hostage of any party. After all, to a degree, we are all hostages of the economic and political situation. Accordingly, we should all want to get out of this situation in an organized manner, since otherwise we will all drown. I do not believe, therefore, that it is possible to explain present realities in purely political terms. We would, in this way, construct theoretically correct interpretations that would be quite incongruous with real life.

[Paradowska] How will you explain the present situation then?

[Pawlak] I think that Prime Minister Jan Olszewski did not take advantage of the opportunities which existed after his resignation had been rejected by the Sejm. He did not manage to overcome prejudices and resentments. As a result, the government does not have enough support in the parliament to sustain a freedom of maneuver.

[Paradowska] Have prejudices surfaced in relations with the PSL?

[Pawlak] No, difficulties have existed mainly within the Solidarity camp. We are doing well, so far. I believe that our vote against the resignation and the support given to the prime minister closed that chapter in our history, in which political groups were divided into two types: the descendants of the old and the new system. We showed that it is possible to communicate and act together. It was an important step towards a normalization of the

functioning of the whole political system, and it will have an effect on all those who wish to actively participate in political endeavors.

[Paradowska] The PSL, called until recently "the old ZSL [United Peasant Party] nomenklatura," has been accepted by the post-Solidarity parties. This is not the case, however, with the Alliance of the Left.

[Pawlak] This ensues, to a large extent, from the manner of working. We did not stand in a corner and insist we would always be in opposition. We tried to take part in what was happening. I believe that the Alliance of the Left has learned a lesson from that. The candidature of Deputy Oleksy for president of NIK [Supreme Chamber of Control] confirms, to some extent, the principle that only by participating in political life can one influence events.

[Paradowska] What price will Prime Minister Olszewski have to pay for the PSL's membership in the coalition?

[Pawlak] I would rather look at this from a different point of view. We have decided to support the government independently, without any blessing from other political groups. In our estimate, this was the best decision we could make. The alternative was a return to liberal premises, which would not have concurred with our program and the interest of our electorate.

[Paradowska] I realize that there was an encouraging program similarity, but I am asking about the price in terms of actual posts. It is not a secret that you wanted to have a deputy prime minister in the government and, so far, the prime minister has not expressed his consent. What has been promised to you instead?

[Pawlak] It is worth remembering, when judging the present situation, that the present is not always most important; the future is important as well. I believe that breaking with the unequivocal monetary concepts, and making everybody aware of it is feasible to implement another program, is a positive outcome of the change in power. How could we not appreciate such similarities in our programs. In terms of more specific agreements, we want, first of all, to see a state administration which will employ representatives of all political parties. We want them to be prepared to work at the first line as well as all the subsequent lines. We want to have a situation in which a change in government will not automatically mean a change in all administrative positions.

[Paradowska] This is a matter of the model of functioning of the state administration. You are avoiding, however, an answer to the question what the PSL will get for its support. I have heard that you are demanding quite a few posts of voivodes.

[Pawlak] Our support for Olszewski's government is combined, of course, with the expectation of being involved in this government's actions. Life will show to what extent this expectation is fulfilled. At the moment,

I would not want to prejudge anything. I expect, however, that in this coalition, the PSL will be able to genuinely cooperate with all those who support the government. Maybe, this assumption is naive and simple. Maybe, we have been duped and will find ourselves pushed aside after the support has fulfilled its purpose. I believe, nevertheless, that it is in the interest of all coalition partners to have mutual respect for one another, and to share the responsibility for the state. We may recall the sad experiences of the time when Mazowiecki's government was in power. If that coalition were not reduced to a single act of raising hands by three leaders, and if that coalition functioned in governmental and parliamentary practice, the effectiveness of Mazowiecki's government would certainly have been greater. It is no great achievement to collect a group of friends who admire one aspect of a program. It is an achievement to always come to a compromise congruent to reality.

[Paradowska] You are not a naive politician. I have heard people say you are a clever and cool negotiator. The fact is that without the PSL support, the government will not survive. That is why you are not suspected of naivete but of vested political interest.

[Pawlak] Perhaps, some people really think we may fiddle and gamble with this dangerous situation. I am quite certain, though, that we are not the most explosive component of this coalition. At present, my greatest difficulty in negotiations is my inability to bargain Arab style: Present a high demand at the start and then gradually lower it. I have encountered this approach in others. The truth is, we are all in a difficult situation, and yet many among us indulge in games of little consequence, trying to prove who is better and more important. What is the use of proving who is better, if tomorrow we may all drown? By joining the coalition, we would like to change, somewhat, this type of political behavior. We would like politics to be more preoccupied with issues and problem solutions, and less with emotional relations between people and groups.

[Paradowska] Let's continue for a moment with these issues. You said the PSL supported Prime Minister Olszewski's government, because his alternative was Bielecki and the liberals. Right now, however, it is pretty clear that we may really have either a continuation or a destruction of what has been achieved.

[Pawlak] I do not agree with you. In economy, we have to discontinue the rigid monetary and fiscal policy, while, at the same time, directing the flow of money in economic circulation into investments, and not consumption. The approach to agriculture must change as well, because this sector has had to bear the heaviest burden of reform costs. Please note that, while in 1990-91 people's income doubled, income from sales of agricultural products remained the same. We want to see a calm and consistent reorganization of economic life in such a way that greater emphasis will be placed on state income rather than on ways to cut spending. This was exactly

what the prime minister declared, and it was a definite change from the previous government.

[Paradowska] I am listening to you and wondering which PSL is the true one. Is it the one from last year, that tried to overthrow Bielecki's government, and launched demagogic attacks during the campaign at everything the previous governments had done? Or, is it the present one—calm, poised, speaking about state interest and not about ministerial posts?

[Pawlak] In political activity, it is difficult to avoid an overstatement. I do not believe I made great overstatements, although, obviously, from your point of view, it may seem otherwise. The essential thing is, however, that one behaves differently when having the opportunity to participate and to shape events, and differently when pushed into a corner, unable to do anything, and left with talking as the only defense. (The defense, of course, of the interests of our electorate.) We found ourselves in exactly these circumstances at the end of the previous term of the Sejm. That was when we tried to have Bielecki's government dismissed. Was it as stupid as it was declared to be? Please note that the elections confirmed the validity of our position. That manner of governing did not find great acceptance. There would not be enough votes in the Sejm now to appoint a new liberal government.

[Paradowska] The true PSL, then; is it the present one—the coalition member?

[Pawlak] I believe that there is a certain "continuity" in our activities. We are not a party created a year ago that has to immediately achieve a spectacular success. Our history includes pages that were bad, good, and very good. We did not disappear from the scene during the period of the great transformation, we kept our composure in many a difficult situation and we tried to look calmly at what was ahead of us. The creation of this or that government is not our goal. Looking from the perspective of an individual, these are episodes. Long-range actions are more important. That is why we want to take part in political life and influence what is happening.

[Paradowska] You are trying to act rationally and calmly now, but this does not change the fact that you are seen as a rather dangerous party, one that is antireform, against integration with Europe, and trying to save agriculture in its previous, archaic structure. Incidentally, you are cheating your electorate in a way. It is generally known, after all, that saving agriculture in this form is not possible.

[Pawlak] First, we would have to answer the question what "antireform" means. The term "antisocialist" was used, once, as a criterion as vague as "antireform." It is simply a label designed for an easy sale in our society.

[Paradowska] No, sir. The label has a very clear message of your postulates—high tariffs, guaranteed prices, debt redemption for farmers.

[Pawlak] I agree that we do contend the slogan "we want market economy." Actually, we do not even contend it as much as we would like to have it defined more clearly. Market economy exists both in the poor countries of South America and in the rich countries of the West. Which market economy are we getting? and how long will it take us to get it? Do reforms mean that in some tens of years we will have achieved a certain goal, and that we will have fulfilled a mission? To an individual who has one life, this is an unattractive task. Or, do they perhaps mean that, step by step, we will overcome our backwardness and come closer to Europe, maybe at a slower pace, but with effective improvements in our industry and agriculture?

In the case of agriculture, the basic question is this: Should we restructure it by administrative steering from above, and destroy millions of farms, so that we may turn the people who have lost jobs into businessmen, or (more likely) pay them unemployment benefits? Or, following the European example, should we create such conditions that people would be induced to leave their work on the farm and turn to other jobs, effecting structural changes in this way. We are of the opinion that the latter is the right way. Very rigid financial rules for agriculture are, perhaps, appealing from the point of view of the present budget, but restructuring will not be achieved this way. We might recall the economic success of 1990, when part of arrears from the previous year was collected and a system of tax prepayments was introduced. The budget had a surplus. In 1991, however, the deficit rapidly increased, and in 1992 we are experiencing a catastrophe. A quick success, not rooted in structural changes, proved to be very fragile. The invisible hand of the market did not accomplish anything. Changes in agriculture (and in industry) require material support and a plan. We may discard central planning but we may not discard the fact that the state, besides its representative role, also has to fulfill a service to the society. It may do it with better or worse results, but if it does not fulfill it at all, we end up with a chaos of the magnitude we are having right now.

[Paradowska] One may dispute the ways of implementing changes in rural Poland, but peasant parties, including yours, do not seem to notice the need for any changes. It seems the country has one interest in common—the defense of the status quo for both the farmer-worker, as well as the highly specialized producer.

[Pawlak] We are not defending the status quo. Changes are inevitable. We cannot, however, have a situation like the present one that those who invested most in their farms are much worse off than those who opted for extensive cultivation without any significant investments. At present, they have much higher profits than farms with capital needs. If we want the structure of the country to change, people who are willing to work and make better use of farmland, have to have a financial reward. Right now, they are the ones who are worst off. The inevitable question has to be answered: What



changes are we after? Do we want the country to turn into a folk museum and to return to natural cultivation?

[Paradowska] You are, right now, in a ruling coalition, and not in a position of criticism. Does the PSL have a program of indispensable changes for areas bordering agriculture that have a job creation potential? Or, does it have, perhaps, a proposal that may become part of the program prepared by Jan Olszewski's government?

[Pawlak] We do have such a program, but it contains certain general premises. Working out of specifics is beyond the party's possibilities. Parties can show the direction, but they cannot replace economic organisms.

[Paradowska] During the election campaign, the PSL put forth the following slogan: Maciej Rataj, Wincenty Witos, Stanislaw Mikolajczyk—Waldemar Pawlak follows their footsteps. Didn't you feel slightly uneasy?

[Pawlak] Certain things were done by publicity experts, and I had to trust them. Election results would indicate they did a good job.

[Paradowska] So, you feel fine in the ranks of great leaders of the peasant movement and the Polish state.

[Pawlak] Sometimes I feel strange. Sometimes, when I have a free moment to look around this room, I ask myself what I am doing here. My being here is surprising and interesting at the same time, because it shows how the changes occurring in Poland have wiped out some established patterns, and have turned others upside down. And those ranks that you mentioned, well, that was rather onerous. One may create any number of slogans, but the problem remains how to live up to them. My signpost for political activity is the belief that one cannot do it on one's own account. If one wants to play only for oneself, he should go into business. In politics, career and self-interest have to be sacrificed for the sake of others, for the organization. This is an area in which group activity is the most important.

[Paradowska] Thank you for the interview.

### Condition of State-Owned Industries Presented

92EP0222A Warsaw POLITYKA in Polish No 7,  
15 Feb 92 p 4

[Article by Andrzej Mozolowski: "On the Verge of Collapse"]

[Text] Is this the beginning of the end of state industry? As enterprises collapse, the number of jobless grows at a frightening rate. Industrial production last year dropped another 12 percent, and in such fields as metallurgy or electrical machinery it dropped 22 percent—36 percent of the industrial enterprises sustained losses. Other branches of industry, deprived of money, are dying. And yet our state treasury is dependent upon these dying industries. It is being said that this is only the beginning, that we still face the bulk of the bankrupting factories.

But does this have to happen?

The thesis of the inevitability of the complete collapse of the old industrial structures, with the benevolent permission of the state so as to build new ones in their place, probably no longer has many enthusiastic supporters. Even Prof. Stefan Kurowski, who until recently with complete conviction would have impaled all advocates of state intervention, has now changed his opinion. "I still hold to liberal canons," he says, "but..." And he asks the dramatic question: "Does an industry which Poles built for two generations have to be destroyed, which is what Bielecki wanted?"

Those were the statements made by the professor as he opened a conference of the Forum for the Defense of Polish Industry, at which representatives and directors of large manufacturing plants from important branches of industry were present. None of the government personages who were invited to the deliberations, attended. The press, for the most part, ignored the conference or passed it off with some brief notes. Possibly because the event was sponsored by KPN [Confederation for an Independent Poland], which Leszek Moczulski's presence underscored, and the economic ideas of this party are not highly regarded, to put it mildly. GAZETA WYBORCZA reported that "no solutions were presented at the meeting."

The roll of perils hanging over the state industrial plants is long and universally known:

**Murderous fiscal burdens:** Polfa Tarchomin turns over 97 percent of its gross profits to the state treasury!

**Lack of orders:** the aviation industry sold 90 percent of its production to the Warsaw Pact countries; what does it do now?

**Insolvency of debtors:** the Mazowieckie Petrochemical Plants, which are doing very well on the marketplace despite foreign competition, cannot afford any kind of investment (although they must invest) because their customers are 2,000 million zlotys [Z] behind in their payments. As a result, their profits shrank to a paltry Z232 billion.

**A destructive, to domestic industry, customs duty system:** high duties on imported rawstuffs, low (or no) duties on finished products. Hence the calamity to the pharmaceutical industry—expensive raw material does not permit it to compete with foreign medicines, which are pouring in huge waves into the market—free. Hence the calamity to printing plants which are shut down due to lack of work. Imported paper, and, most of all, the price of machines (which are not produced in Poland), both loaded with duty, escalate costs so high that publishers prefer to place their orders abroad where it is cheaper. The German printing industry is making money while the Polish industry is losing it, as is the state treasury, twice: once on the taxes not paid by the printing plants, and again from the lack of duty, because imported books are completely exempt from duty. The specter of

calamity hung over the tobacco industry, for the same reasons. At the last minute, beginning in January, the government relented and made duty for foreign cigarettes the same as the duty for imported raw tobacco. That was sufficient. The domestic industry sighed with relief and began to prosper. The Solidarity representative of this industry sounded the only cheerful note at the Forum conference—it appears that the factories in this branch have solved the mysteries of market operations and although they are mostly state-owned, they are doing quite well.

Others are doing what they can—dismissing people or changing the profile of production. Mesko Plants, for example, are making all kinds of household equipment and calculators, “using machinery and equipment formerly used to produce rockets.” The products are apparently very good, although they say that the guided rockets (antitank and antiaircraft) were even better, and “permissible on all Western markets.” Furthermore, it brought them Z700 billion a year, while the household equipment brings scarcely half that much. Bankruptcy is imminent. Just as it is for the entire armaments industry. What will happen then with the cities and towns of the prewar Central Industrial District, which lived exclusively off these factories—with Bolechow, Nowa Deba, Niewiadomo, Starachowice?

One's heart aches when one thinks of the many tens of thousands of highly skilled workers who worked in plants which produced high-quality products, but nevertheless are threatened with bankruptcy.

Some of them, contrary to general belief, are already able to react correctly to market signals and manage themselves according to modern methods. For example, the VIS combine in the tool industry: four factory-companies with German, Austrian, French, and Portuguese capital (in all cases the controlling capital is in the hands of our state), two commercial employee companies, one in the United States, fighting for the market for VIS products. VIS products are known throughout the world. (An interesting aside: Americans of Polish descent who love weapons will soon be able to buy excellent state-of-the-art Polish VIS pistols, which are being produced again for promotional purposes; bravo for this idea!) Seventy percent of the production will be exported to the West. Let us add to this a new managing director selected through competition, who signed a four-year managerial contract (the first in Poland) and has undertaken to restructure and expand the firm.

It would seem that all the conditions for success are present. In reality, failure is imminent due to lack of money. Bank credit is ruinous because it has to be frozen in imported raw materials, the process of production, and in waiting until the foreign importer of a finished product makes his payment—overall, a wait of 15 months. And interest payments eat up the whole profit. Cheap, favorable foreign credit would be available. but

Polish banks do not want to guarantee it. Thus there is no money, not for sales, promotion, marketing, research, or anything else.

There are enough examples to be able to show that in addition to many factories which must fail, because they should, there are also those which should be given an opportunity to survive and develop. First, because everything points to the fact that they will be able to make use of the opportunity, and second, because the ruination of all state industry (part of which is being privatized anyway), is tantamount to ruining the entire Polish economy, which could take place even this year.

### Good Advice—And What of It?

Good people have already given the government a lot of good advice. It has much to choose from. I will name only a couple of pieces, which, in my opinion, are basic.

Thus, a revision of those wretched import and export duties, as mentioned above (in any case, the changes in tariff rates, forced by EEC, are already going in this direction). Thus, a gradual fiscal alignment of state industry with private industry. Thus, urgently: cheap credits! Where do we get them from, you ask, without causing inflation. Indeed, the matter is not simple. But I believe that a possible solution would be a significant reduction in the interest rate on credit, together, obviously, with a proportional reduction in the interest rate on deposits (at least replacing the interest rate mechanism with a valorization of credits and deposits, as suggested by the Polish Economic Society. Who in God's name dreamed up the idea that the interest rate on deposits is supposed to be so high that instead of investing, it pays much more to “put it in passbook savings” and do nothing? Furthermore, this even gives rise to scandals and then the newspapers write that “employees often draw low-interest rate housing loans simply in order to put the money into a bank and have a profit from the higher interest rate.” And then the government realizes what is happening and puts an above norm tax on the earnings from these clever loans, which in turn, brought forth a ruling from Professor Letowska that that is not permissible. After which, Solidarity gets into the act, and then the State Tribunal, the Sejm, and the entire elite of the government sweats over the matter for weeks instead of using its time in a more useful way. And all because the interest rate on savings deposits is too high, making credit too expensive, and the recession flourishes.

Finally, this industry needs a solution, which many people have been thinking about for 30 years, without visible results. Just as thought was given to it in the State Economic Planning Commission under Jaszczuk, so thought was given to it in the Central Planning Commission under Eysymontt, and the only difference is that in the Polish People's Republic they at least had a name for it: “selective management,” and in the Third Republic there is not even a name for it. Therefore, we have to finally decide which branches of industry in Poland we



are supposed to support, and which are the most energy intensive and raw materials intensive, and those polluting the environment, we will leave to the fate of the market and the recession. And please tell me that the state should not dare to interfere, because the invisible hand of the market will do this itself. In a country where 80 percent of the fixed assets are not even in the hands of the state treasury, because there is none, but in the hands of an anonymous and unresourceful bureaucracy, this hand may more likely lead these assets in a funeral procession.

Anyway, this is not about some old-style administrative action, or subsidy. All it takes is credit guarantees by the National Bank of Poland and cheap credit. Let us leave the rest to fate, the market, and the ability of the chosen to adapt themselves to its requirements.

The first attempt was made during the term of Minister Henryk Bochniarz. The Proxy consulting firm from Krakow prepared a program for the restructuring of the armaments industry, suggesting government support for the ammunition-rocket complex (including Mesko). What came of this? Nothing, deafening silence. There is talk, of course, about the Proxy scandal (political), but nothing about making use of its expensive analyses. It is the same with other restructuring ideas, tabled as soon as they are expressed.

### Industry Is One

So much for advice to the government. What remains, however, is the matter of what should be done to make the government and the Sejm—both aware, after all, of the problem—to finally get down to a vigorous attack of it, i.e., to issue an industrial policy and enforce its provisions.

And here we return to the starting point of this article. The formation of a Forum for the Defense of Industry (implied: state), may be a good idea. Except that it is somewhat parochial, I would say, and has no great perspectives. The Polish economy, certainly, urgently needs a strong pressure group, but for goodness sake, not one that is classified according to Marxist divisions, according to ownership criteria of means of production—private or state. The economy is one, industry is one, and has common fundamental interests: the interests of the employer. Dividing them up according to ownership seems to be a gross miscomprehension, an artificial invention. Just as all sector inequalities which bestow privileges on the “private” are artificial inventions. The development, and in the future the domination, of the private sector, should ensue from the fact that “private” is more fitting to a market economy because it is highly efficient—not because of some plea for exemption from an above-norm tax on earnings, tax relief, etc., which are forbidden to the “state.” No one in the civilized world plays such games. Certainly, states in which there is a market economy sometimes create

particularly favorable terms for branches whose development is especially desired, but only to encourage capital—regardless of from which side it flows, state or private.

Naturally, this does not belie the truth that in our conditions the processes of commercializing enterprises and then privatizing them, must be accelerated—at the same time that “state” and “private” are made equal under the law.

In any case, it cannot be otherwise, because simply classifying enterprises, corporations, or holding companies according to ownership, has become more and more difficult, and sometimes impossible. What, for example, can be done in a case where the majority of the stock is dispersed in private hands, but the controlling packet is held by the state treasury? Or where the stock changes ownership on the stock exchange, going from private hands to the state, or the reverse?

Liberal dogmatists will reply that here, in Poland, it is different: in a postcommunist state, state enterprises are a relic of an inglorious past, they manage themselves very badly, therefore they should vanish with all speed. In reality, that happens, and frequently. Except that the only logical conclusion stemming from this would be to allow these badly managing enterprises to bankrupt alone, without pulling down with them many good ones which otherwise, in competition on the market on an equal basis with other private enterprises, would be able to make it. And that there are such enterprises is probably apparent to everyone.

### Unwanted Child

A strong industry lobby, a federation of employers, would be beneficial from two standpoints. First, it would create a harmonious arrangement on the employer-employee plane and would be a side for the trade unions. Second, it would represent the interests of industry employers to the government and parliament, as happens in Western countries.

In our conditions it would have a particularly important task: It would remove ideology from economic policy. It would abolish the primacy of politics over the economy, which has been choking it incessantly for 45 years; only doctrines and political dependencies have changed.

Many examples can be cited from the newspapers. One of them is the purchase of Bell helicopters, as if to spite the domestic aircraft industry. Withdrawal of an order for the Arab countries from the dying armaments industry—a contract which presumably the United States did not like (this contract was eagerly taken over by Czechoslovakia, which although it allowed itself to be surpassed in economic reform, from the standpoint of political acumen is far ahead of us). Another example is the signing and ratification, with this same America, for purely political reasons, a patents protection treaty which is murderous to our pharmaceutical industry. Still another, the explosion of scandals, cleverly fed by the

politicians as a smoke screen to conceal the economic helplessness of the authorities....

Most of the parties do not seriously concern themselves with the economy, treating it simply as an instrument for political activity. This is beautifully illustrated by the phenomenon of the "wandering economists," who jump with their programs from one party to another, and are good for each so long as their programs, in their slogan portion, can be used for a political struggle with the competition. Whether they are executable is unimportant.

The Sejm is politically sick. Almost every draft of an economic law is examined not from the standpoint of substantive value, but according to who is behind it, who supports it, and what political label can be attached to it. Anyway, this is what is most interesting to many deputies and senators, because this is what makes careers and this is how posts are filled, as compared with the boring, and for most members of parliament, completely incomprehensible economic matters. Declarations of independence, the illegality of martial law, the antiabortion law, are all discussed with passion and expertness (after all, everyone is an expert in these matters). But who, for example, becomes excited about some state treasury matter? That is why the draft law on it has been lying in the Sejm for almost two years. The state treasury does not exist, state-owned industry, which actually does not have an owner, is treated as an unwanted child, and this or that deputy wails over the ruins of this industry, at the same time time not raising a finger to provide a legislative foundation for it.

The government is no better. Getting rid of professionals, for political reasons, of course, and replacing them with amateurs of sometimes frightening ignorance, is too familiar a story to dwell on further. The present government, deprived of people of the Balcerowicz and Bielecki cut, has "politicized" itself even more. A quote from the statement of the Viennese investment consultant, J. Reed, on the subject of difficulties for foreign investment in Poland (from *GAZETA WYBORCZA*): "There is a feeling that the rudder of the government is not in the best hands. Ministers are running around in a circle, delivering mad declarations."

Politics arouses emotions and builds careers. The economy requires wisdom. Unfortunately.

### **The Elite Running Wild**

There is no point in expecting that even the largest doses of didactic journalism, or even the spirit of the Christian faith, will change the characters of the politically mad deputies, who, although the minority, are able to dominate the atmosphere of the Sejm deliberations. That is how they are. The government is not much better.

It seems that the best medicine for our running-wild political elite may be a strong representation of business, inserted into the structure of the authority. People who think in terms of sales, costs and profits, who understand

the implications of every variant of the tax system, who are able to foresee the consequences of the games played with the NBP [Polish National Bank] refinancing credit rate and understand the interdependencies of the complex structure of the state budget, and for whom emotions other than those ensuing from stock-exchange quotations, are impermissible. These do not necessarily have to be deputies or senators (although it would be useful to have more such). The party dispersion of parliament and the fact that practically none of the parties represents the interests of a specific social or occupational group, yet each bandies about the slogan "the good of the nation as a whole"—pushes the economic orientation of the members of parliament to the second plane; the "politicians" hold sway. Industry lobbies, on the other hand, (farm, crafts, merchant) could effectively function through the electorate of the individual deputies, and also exert pressure on the local state administration or the central government.

Under this arrangement (practiced in the democratic countries of the West), parliament (in the legislative field) and the government (in the executive field) would be echelons weighing the contradictory interests of various fields of the economy with the interests of different social groups, transforming them into a social-economic policy of supreme rank, expressing the interests of the state. I see no countraindications to prevent us from forming just such a model on our road to normalcy.

But returning to our state industry: Only a strong federation of employers, uniting people from numerous business clubs, a convention of entrepreneurs, from chambers of commerce, including also the Polish Beer-Lovers Party and the Union of Real Policy, can ensure protection and conditions for development of those state enterprises, who, regardless of the ownership road chosen, are able to remain on the market.

### **Major Economic Agreements With Germany**

92EP0236B Warsaw *GAZETA PRZEMYSLOWA I HANDLOWA* in Polish No 6, 9-16 Feb 92 p 13

[Article by (e): "Important Agreements With Germany"]

[Text] In addition to an agreement concluded between Poland and Germany regarding preventing dual taxation in the area of taxes on income and assets, two other agreements which Poland has concluded with Germany are important. Of particular importance is the agreement regarding support for and the mutual protection of investments, signed on 10 November 1989 in Warsaw. This agreement took effect on 22 November 1990.<sup>1</sup>

According to the provisions of this agreement, both sides are bound to support the investments of the other side on their territories, i.e., they are to facilitate the location of these investments on their territories and they are to protect them. At the same time, the FRG and Poland guarantee that unwarranted or discriminatory moves will not be made which may have a negative impact upon the management, exploitation or utilization of the

investment by the other side. According to the agreement under consideration, the investments of the other side will be treated like one's own investments.

An important provision is the guaranteeing of investors of both sides the free transfer of property associated with the investment, in particular:

- Capital and additional sums for the upkeep or expansion of investments.
- Earnings.
- The repayment of loans.
- Revenues from the total or partial sale or liquidation of investments.
- Damages stipulated in this agreement (i.e., damages due to expropriation, nationalization, and other similar measures).

As understood in the agreement, an investment is every investment made for economic purposes. This includes any property which an investor from one side invests on the territory of the other side. As understood in the agreement, an investor is any individual who has a permanent place of residence or a legal person who has his headquarters in one of the areas bound by the agreement and is authorized to make an investment.

According to the agreement, property which may be invested on the territory of the other side may be in particular:

- Immovable and movable property and other so-called material rights (i.e., a mortgage and liens, for example, and the like).
- Stocks and shares.
- Author's rights, rights of industrial ownership, trademarks, know-how, and trade names.
- Industrial production rights, rights to conduct inquiries, research, and the exploitation or mining of natural resources and the like.

Possible conflicts between the two sides regarding the interpretation or application of the agreement are to be resolved by the governments of both states if possible.

The other of the above-mentioned agreements is an agreement on social security.<sup>2</sup> This agreement concerns issues related to pensioner-annuitant care between Poland and Germany (i.e., the FRG and the former GDR). The agreement stipulates that Polish citizens who return to Poland shall receive annuities and pensions from the German side. Those, on the other hand, who decide to remain in Germany will receive such benefits from Poland for the years during which they worked in Poland. This provision, however, does not cover those citizens of Poland who went to Germany and settled there prior to 31 December 1990 or who obtained the right of permanent residence before 30 June 1991. Moreover, the agreement under consideration stipulates the payment of annuities and pensions both to persons who resided in German institutions both prior to and during World War II.

[Box, p 13]

#### **A Listing of the More Important Binding Economic Agreements Between Poland and the FRG**

- 1. An agreement between the PRL Polish People's Republic government and the FRG government concerning the development of economic, industrial, and technical cooperation dated 1 November 1974 (extended by an intergovernmental agreement dated 22 March 1985 until 1995).
- 2. A multilateral program for the development of economic, industrial, and technical cooperation dated 9 October 1975.
- 3. An agreement concerning the future development of cooperation in the economic field dated 11 June 1976.
- 4. A memorandum concerning the expansion of economic cooperation between the mid-sized and smaller enterprises of both countries dated 25 November 1977.
- 5. An understanding on simplifying requirements related to the employment of PRL employees dated 23 August 1979.
- 6. An agreement on the social security of employees temporarily sent to the other state's area dated 25 June 1973.
- 7. An agreement concerning preventing dual taxation in the area of taxing income and property dated 18 December 1972.
- 8. An agreement concerning the taxation of international highway transports dated 19 July 1976.
- 9. An agreement between the PRL government and the FRG government concerning cooperation in the field of environmental protection dated 10 November 1989.
- 10. An agreement between the PRL government and the FRG government concerning cooperation in the field of science and technology dated 10 November 1989.
- 11. An agreement between the PRL and the FRG concerning the support and mutual protection of investments dated 10 November 1989.
- 12. An agreement dated 31 January 1990 regulating the principles of employment based on work contracts.
- 13. An agreement dated 2 May 1990 concerning a program for the training and supplemental training of professional cadres for the Polish economy.

#### **Footnotes**

1. DZIENNIK USTAW, 1991, No. 27, items 116 and 117.
2. An agreement between the Polish Republic and the FRG regarding social security, dated 8 December 1990. As of the date of this article's going to press, the agreement had not yet been published in DZIENNIK USTAW; the Sejm approved the agreement on 26 July of this year [as published].

**FRG Embassy's Role in Economic Cooperation**

92EP0236A Warsaw *GAZETA PRZEMYSLOWA I HANDLOWA* in Polish No 6, 9-16 Feb 92 p 1

[Interview with Dr. Thomas Hardiecki, director, Section for Trade Development Affairs in the Embassy of the Federal Republic of Germany, by Hanna Fronczak; place and date not given: "Polish-German Economic Cooperation: How Can We Help?"]

[Text] [Fronczak] More and more Polish enterprise owners are interested in contacts with partners from the FRG. What position is the Section for Trade Development Affairs in to facilitate such contacts?

[Hardiecki] Our section has existed since 1972. Since then we have managed to develop an extensive data bank on small and midsize German enterprises which would be interested in cooperating with Polish firms. Any interested party, whether Pole or German, with the specific requirements, i.e., the determination to establish coproduction with an enterprise of his choice which has the appropriate operating structure, may make use of our data bank. Our activity, however, is primarily limited to contact between firms. This is something of a first step; subsequently, both firms conduct their negotiations between themselves.

[Fronczak] Is the work of the section limited only to assistance in setting up contacts?

[Hardiecki] Such contacts also make possible further contacts with firms. Frequently we mediate between a firm which approaches us and other institutions such as the National Chamber of Commerce, the Ministry of Foreign Economic Cooperation [MWGzZ], the Ministry for Ownership Transformation Affairs [MSPW] and the Artisan's Chamber.

[Fronczak] What sorts of plants may be found in the catalogs of the section?

[Hardiecki] Nearly every kind of plant. If someone is seeking a firm which deals in trade, he will find many such firms from which to choose in the catalogs. If he is seeking a contractor-investor, the chances are very good that he will find that as well. The rule, however, is that all firms listed in our catalogs must be small and medium size plants. Very large enterprises have other contacts and separate sources of information.

[Fronczak] Your section has already been in operation for 20 years. What is its future?

[Hardiecki] This is probably the last year of its operation. We know that it will definitely be operative until the end of 1992. After that time, its functions will be assumed by the Delegation of the German Economy in Poland.

[Fronczak] What is the role of the embassy in this structure?

[Hardiecki] The embassy may grant concrete aid and frequently does so, for example, when it is doubtful that one will be able to make contact with the appropriate ministry in Poland. German clients most often have questions of the Ministry of Transportation, the Ministry of Environmental Protection, the MSPW and the MWGzZ. If the need arises, the embassy may aid in obtaining the necessary license to be granted by the appropriate ministry or authorities.

[Fronczak] Can the section help to obtain credit?

[Hardiecki] Those kinds of questions are the ones our clients ask most often. We can put a German bank which has its representatives in Poland in contact with a firm, but discussions of specific questions are conducted independently by the interested parties, i.e., the client and the bank.

We can only put them in touch with each other. It should be pointed out here that in addition to the representatives of the three German banks located in Warsaw, there are plans to create another two in the Polish capital, namely: Westdeutsche Landesbank and Suwestdeutsche Landesbank. The decision on this matter has not yet been made, but it is presumed that it will come in the near future. For the time being, of course, there would be only representations and not branches.

[Hardiecki] Is contact between firms with the section's intervention possible for firms which are engaged in organizing various kinds of fairs on German or Polish soil?

[Fronczak] Yes, that is possible. In that case, however, just as in all other cases, we make available to interested parties only all sorts of necessary contacts and addresses, but we do not intervene in talks. The details are to be discussed between the interested parties.

[Fronczak] Where do interested parties write to obtain the necessary information?

[Hardiecki] We ask that all questions regarding the availability of the needed contacts be directed to: The Ambassador of the Federal Republic of Germany, Section for Trade Development Affairs, 30 Dabrowiecka Street, 03-932 Warsaw, telephone 17-30-11, telex: 825479.

[Fronczak] Thank you for the interview.

**New Ombudsman Plans Policy Continuation**

92EP0233A Warsaw *PRAWO I ZYCIE* in Polish No 6, 8 Feb 92 p 5

[Interview with Prof. Tadeusz Zielinski by Zdzislaw Zaryczny; place and date not given: "I Will Remain a Lone Rider"]

[Text] [Zaryczny] The manner in which you were chosen can be regarded as a good prognosis for the office of ombudsman. This was a choice which was not based on



party affiliations nor did it follow party lines. Actually, this has happened for the first time in this term.

[Zielinski] There wasn't even another candidate.

[Zaryczny] True, and why wasn't there one?

[Zielinski] That can be explained variously. For example, that my candidacy was felt to be so strong that another was not put forth. That, for me, is the kindest version. But there may be another: No one else wanted the job. Some people may have been afraid that they will be compared with Prof. Ewa Letowska, and that this comparison would not be favorable to them. I must say that I, too, have considered this, because after all, Mrs. Letowska is an incredibly dynamic figure, who makes an excellent impression on television. I realize that many people would still like to see her in this position. I have good news for them: Professor Letowska is not yet leaving the position of ombudsman.

[Zaryczny] How am I to understand this?

[Zielinski] Literally. During the first period of my work Mrs. Letowska will advise me and I will turn to her for counsel. But what is most important is that I want to continue the style of work, the philosophy of the office, that my predecessor developed. The office of ombudsman was very well organized; there are many people in it on whom I can rely. But at a certain time, a decentralization will have to occur. I do not know whether an ombudsman should concern himself with every matter, from beginning to end. That is what Mrs. Letowska did, but I do not believe that I will be able to examine every case in such great detail. I am not thinking right now about appointing local ombudsmen, but at least one assistant is necessary.

[Zaryczny] Did Mrs. Letowska leave you any kind of backlog?

[Zielinski] No. Some cases are in the hands of the State Tribunal, e.g., complaints about the law on valorization of annuities and pensions and the medical ethics code, and perhaps something else will turn up, but there is no backlog.

[Zaryczny] More or less at the time that Mrs. Letowska occupied the office of ombudsman, you, functioning for years in the democratic opposition camp, demanded political freedom. You fought for a country of laws, and today you have become one of the main institutions of this country of laws. Has the battle ended, has it been won?

[Zielinski] Mrs. Letowska worked at the border of two eras, both unquestionably incomparable. In the first era, which was coming to a close, the main issues were the threat to human political rights, above all, lack of freedom of speech, union pluralism, etc. These threats do not really exist today. There is, after all, union pluralism and freedom of speech—total, it may be said, because all possible legal restrictions which could inhibit irresponsible utterances have disappeared. For example,

allowing Adolf Hitler's *Mein Kampf* to be published in Polish. That is a problem in and of itself, but I do not want to express an opinion on it because I have not yet developed a final opinion. But if we are speaking of the most important threats, then I would first point to the inadequate protection of social rights.

[Zaryczny] What does the concept "social rights" encompass in your thinking?

[Zielinski] Most of all, it includes the right to work, which at this time is experiencing a great crisis. According to the constitution, every citizen has the right to work, which also has to include the understanding that the state will conduct an active employment policy. There is no such active policy now, therefore, we can speak of a certain inconformity of state actions with the constitution. Naturally, this also includes the problems of the poorest strata of population, i.e., pensioners and annuitants; the duty of the state to ensure them protection against privation in their old age and inability to work.

[Zaryczny] Does not a political climate in which arithmetic, and not principles and programs, is decisive; when there is all that embarrassing digging around in biographies; when behind-the-scenes machinations of various lobbies are taking place, etc.—constitute a threat to your office?

[Zielinski] I wish to emphatically state that from the moment I assumed the function of ombudsman I must be completely apolitical.

[Zaryczny] You suspended your membership in the Democratic Union?

[Zielinski] Yes, of course. I do not intend to involve myself in any coalition or contact with political parties. I will also avoid speaking publicly on the subject of any events of a political nature. Which I am already doing by the foregoing....

[Zaryczny] But I am afraid that you will not avoid the effects of the conflicts we are now seeing in the triangle: the Sejm, the Belvedere [Palace], the government.

[Zielinski] Probably so. I see an ombudsman who is completely sterile from external political influences, but that is rather idealistic. Especially because almost all matters today have some kind of political context. I will add that I, too, still have some of the habits of a politician. I was never a party leader or activist, but I was in the Senate.

[Zaryczny] Do you have fond memories of the Senate?

[Zielinski] Not very. I experienced a great deal of disillusionment. Although I enjoyed a certain respect in the Senate and my speeches were listened to attentively, the law we were creating during that period was very unfortunate—let us admit candidly—from the legislative and formal standpoint. Now when I am asked whether laws from the period of the Polish People's Republic should

not be improved, I reply: Let us first improve what we ourselves passed during the last two years.

[Zaryczny] Where will you look for allies in your difficult moments?

[Zielinski] I do not think that I could or should look for an ally in any of the political forces. I am not allowed to involve myself in political games. The office of ombudsman is an extremely honorable one and for that reason it is the most independent one in our state. True, the courts are also independent, but ombudsman is really the only office which is not subject to anyone, including the Sejm, because after all, it can appeal a law to the State Tribunal. Under these circumstances, I cannot imagine an ombudsman functioning by allying himself with anyone. It is my belief that an ombudsman must be a "lone rider."

[Zaryczny] To be a loner is to risk disaster, particularly in contact with powerful institutions. You had not yet assumed office when the charges appeared from the Christian-National Union, among others, that you are attacking the teaching of religion in schools. What will happen if the reputation of "anticlerical" adheres to you?

[Zielinski] From the moment I was chosen, journalists have been constantly asking me about my position on the instructions that religion be taught in the schools. I have expressed myself on this subject many times, including on television. I believe that Professor Letowska should have appealed these instructions so that the State Tribunal could determine the legality of the accepted decisionmaking procedure. This does not at all mean that she had to be against the teaching of religion itself. I must tell you that I share this viewpoint. So important and delicate a matter should be settled with the full majesty of the law, e.g., by way of a law, and not by some illegal, bureaucratic device.

[Zaryczny] In some church circles this may be read as anticlericalism on your part.

[Zielinski] I realize that. But it does not affect my opinion—and I say this with absolute sincerity—that the church today is actually the only moral authority left to us. Regardless of the mistakes it has made recently, which can be interpreted as a turn in the direction of a religious state. But such an interpretation would be an exaggeration. The church is too valuable an asset and bringing any charges against it may bring unproportionally large damage. I absolutely would not want it to be felt that I am against the church. But if the church undertakes an action which from the standpoint of the law is disputable, I will speak out, and with cold blood. There are various matters, as, for example, the one pertaining to the return of church property, which are viewed controversially by the public. We cannot permit unequal treatment of owners who have been deprived of their property, e.g., to return property to the church sooner and to the citizens later. This would simply cause bitterness. I will have to come out against such actions,

although—and I emphasize this once more—I believe the role of the church to be enormous.

[Zaryczny] Today the state's philosophy is: Citizen, look out for yourself....

[Zielinski] And here is the question: How far, in this new, very demanding political system, should the ombudsman replace the citizen? In the first two years of the office's existence, there was no question that the ombudsman is appointed to act as this replacement. But now, when we have broken away from the idea of a welfare state, the role of the ombudsman must be perceived differently.

[Zaryczny] Much depends on you. It is you who can create a new role for the ombudsman, and an excellent knowledge of labor law will certainly be useful.

[Zielinski] Yes, I am concerned with the labor law, but right now it cannot be adapted to the ideology of the former paternalistic, command-distribution state. On the other hand, we cannot demand of all citizens that they look out for their own matters. And here is precisely where the ombudsman can be of assistance.

[Zaryczny] To whom?

[Zielinski] To the helpless, those who do not know what to do in today's circumstances and cannot cope with the demands of a ruthless system. There are a great many such people.

[Zaryczny] Professor, some liberal may accuse you of being a left-winger.

[Zielinski] I recall that on the day I was chosen I was watching the television news and saw how Korwin-Mikke, standing nearby, was actually jumping up and down with irritation when I talked about social rights. But let's not forget that the first article of the constitution—I trust that it will not be changed—says that the Republic of Poland is not only a country of laws and democracy, it is also a country which implements the principles of social justice. For an ombudsman, this means enormous tasks and duties.

[Zaryczny] Thank you for the interview.

#### **Reorganization of Polish Press Agency Discussed** *92EP0222B Warsaw TYGODNIK SOLIDARNOSC* *in Polish No 7, 14 Feb 92 p 3*

[Interview with Krzysztof Czabanski, chairman of the Polish Press Agency, by Joanna Jachmann; place and date not given: "Polish Press Agency—The Beginning of Normalcy?"]

[Text] [Jachmann] Another of "Mazowiecki's men" has left and an "Olszewski man" has come. How does one become chairman of the Polish Press Agency [PAP]?

[Czabanski] I am not "Olszewski's man" or anyone else's. I hope that I am a professional.



In my case there was initially a government proposal that I assume the function and conduct a reform of the agency.

[Jachmann] And you immediately agreed?

[Czabanski] Not immediately. I made my final decision dependent on the results of substantive talks and a meeting with the premier. I received documents analyzing the situation in PAP and held talks with the prime minister's advisers and the government spokesman. After that, already having some picture of what awaits me, in a talk with the prime minister I presented my program and asked for the necessary authority. It was approved and I made my decision.

[Jachmann] To become chairman of the government press agency, because that is PAP's status since 1983.

[Czabanski] That is a real misfortune. I was always opposed to that status. It must be changed as soon as possible.

[Jachmann] Will that automatically change the certitude of the journalists, who always associated PAP with the manipulation of information, manual control and cadre policy, the key to which lay in some drawer of the party's Central Committee building on the other side of the street? In any case, that vision of PAP continues to prevail.

[Czabanski] Unjustly. A great deal has already changed in the agency. This process was begun by my predecessor, editor Ignacy Rutkiewicz. PAP is no longer a "ministry of propaganda," a good number of young journalists have come in, and the internal structure of the agency is being reformed.

[Jachmann] I see that the administrator was not completely happy, because he decided to change the head of the agency.

[Czabanski] That, too, is not true. Naturally, there is still a great deal to be done, but today's PAP is no longer what it was a year and a half ago. We will continue this process and as a consequence bring about the formation of a civilized, modern, public press agency, which will supply fast, verified, and competently produced information.

[Jachmann] Who will supply it?

[Czabanski] Journalists employed in PAP.

[Jachmann] Now?

[Czabanski] Yes. I already said in one of my interviews that I am not coming here with my own deputy chairmen. I do not intend to begin a staff revolution and inspect personal briefcases. There are people in PAP who have worked here for 25-30 years and have passed through all service and political levels. Naturally, they were in the PZPR [Polish United Worker's Party], but in the 1970's I, too, was in it and I will not play the ridiculous role of an "uncompromising decommunizer," who simply

because he went with Solidarity in 1980, has the right to point a finger at others for doing so a couple of years later. We are talking about rebuilding state structures, not about personalities.

[Jachmann] And those who were not with Solidarity even a couple of years later? Will they be fired?

[Czabanski] Cadre changes, which will definitely take place, will be the logical consequence of structural changes. I am telling everyone: We will be building a normal press agency and all those who want to build it have a place here. I will get rid of only those people for whom a reorganization of the firm is inconvenient. That will be the only criterion—substantive.

[Jachmann] How do you see this building of normalcy?

[Czabanski] I would like to shape PAP on the model of Western agencies. Independent, i.e.: A Supreme Council (substantive-political, caring about the public interest), a Supervisory Council (caring about finances), informational and economic independence.

[Jachmann] That will require a change in the law. And actually a new law.

[Czabanski] Unfortunately, experience with the law on public television does not imbue us with optimism. I would not want a similar fate to befall the law on PAP. The agency must become a one person State Treasury company as quickly as possible, which will make it possible to privatize it.

[Jachmann] Let us talk a moment about money. Out of what will this reformed agency maintain itself?

[Czabanski] I see here a solution similar to that in AFP, which owes its good financial situation to contracts concluded with the government, which buys, at prices higher than newspaper subscribers pay, all services, distributing them among ministries, embassies and central administration offices. Good and fast information is the basis of their operations. That is what Polish practices should be, also.

[Jachmann] How much money does the government now pay in subsidies to PAP?

[Czabanski] Last year it was tens of billions of zlotys.

[Jachmann] That is not an astronomical sum.

[Czabanski] The largest part of the budget is made up of such "trivial amounts." That is why the ideal agreement with the government would be something on the order of a hidden subsidy, but with benefit to both. The government will have honest information, and the agency will have money.

[Jachmann] I will return to personnel matters. On the first day you took office, the chief director, Wysokinski, whose nomination was protested at one time by Solidarity, appeared on television. Will you request that director Wysokinski be dismissed?

[Czabanski] This is my fourth day here. I cannot talk about any personnel decisions because I simply have no basis for doing so. All PAP employees will have to prove themselves by their performance.

[Jachmann] You, too?

[Czabanski] Of course. It turns out that my plan, which is already being shaped, is not approved by the government, I will leave. I will again be a journalist, which is what I like to do most of all, and which I have never stopped doing and will not stop.

[Jachmann] Verification of your performance can occur from a much more prosaic reason, because you have the reputation of being a person of conflict and hard to get along with.

[Czabanski] If that opinion came from TYGODNIK SOLIDARNOSC, then I can tell you one thing: Everyone who has the courage to require dependable and decent work, is described in just that way.

#### **Problems in Withdrawal of Former Soviet Troops**

92EP0247A Warsaw RZECZPOSPOLITA in Polish  
24 Feb 92 p 6

[Article by Maria Wagrowska: "The Problem of Withdrawing Units of the Former Soviet Army: The Parting Should Be Gallant"]

[Text] The issue of the withdrawal of units of the Northern Group of Troops of the former Soviet army from the territory of the Polish Republic has again reached an impasse, but this time of a different kind. This has happened even though the Polish government is now able to exercise its sovereign rights during the negotiations, and epochal changes are taking place on the other side of the Bug River. The impasse is continuing, even though late last year an accord was initialed for the withdrawal of combat units by November 1992 and all other units by the end of 1993, and the evacuation had formally started as of 9 April last year. Lastly, this impasse is continuing even though since mid-1991 not a single Soviet soldier has remained on the territory of Czechoslovakia and Hungary.

Why is it taking so long to resolve the question of the withdrawal, and why is this question causing tensions between the new Poland and the new Russia instead of contributing to improved mutual relations? The reasons are many.

#### **Have the Right Decisions Been Made at the Right Time?**

The moment at which the Polish government raised the question of the troop withdrawal with the Soviet authorities remains debatable. Some people are accusing the government outright of lack of courage, arguing that its procrastination, compared with the promptness of the Czechoslovak and Hungarian governments in making similar requests, is now coming home to roost. From the

vantage point of the present, such a judgment is facile. On the other hand, we do not know how the events and Polish-Soviet relations would have evolved had the then Polish government acted more forcefully. The strategic importance of the units of the Soviet army stationed in Poland is, compared with that of those stationed in Czechoslovakia and Hungary, simply not the same. The units deployed in Poland act as the direct rear echelon for the combat units of the USSR on the territory of the former GDR for which the principal routes of transit and communications lead through our country and it was in Legnica that the headquarters of high command of the Central European Theater of Military Operations was located. That explains why Poland prefers to link the evacuation of Soviet units from our country to the withdrawal ensuing from the anticipated agreements on the cuts in armed forces and armaments, or from the unilateral reduction announced by the Soviet Union.

The consequences of these facts and of that mode of reasoning have been persisting for a long time and are bound to influence the negotiations on the withdrawal of Soviet troops for at least two fundamental reasons. First, a relationship between the withdrawal of troops from Germany and from Poland existed and continues to exist. Second, the so-called operational deployment of troops on Polish territory has been such as to greatly complicate any rapid withdrawal of personnel and equipment. A contributing factor is the limited capacity of roads and trackage on the Soviet side of the Polish-Soviet border. If only for this reason, Poland's initial demand for the withdrawal of Soviet units from our territory by the end of 1991 was hardly realistic. But by now all that is a matter of the past.

#### **An Opportunity Arises**

At present what matters most is a rapid departure of these foreign military formations, and one that would resolve the problems involved in the settlement of accounts relating to their 46 years of stationing on our soil, in a manner that would facilitate correct and in the future even good-neighborly and friendly coexistence between Poland and the countries on our Eastern border. What does this mean in practice? It means that unequivocal and bold top-level political decisions are needed.

The opportunity that has arisen is the best of all possible ones: The as yet unofficially predicted, for mid-March visit by Polish President Lech Walesa to Moscow and a meeting with Boris Yeltsin, the President of Russia, whose powers include being commander in chief of the former Soviet army. Prior to that, at the end of February, the last, this time it seems really the last, round of Polish-Russian negotiations for the withdrawal of troops from Germany and their transit across our territory is to be held. The Russian delegation is to be headed by Ambassador Vitaliy Koptiyeltsev and the Polish delegation by the Director of the Europe Department at the Ministry of Foreign Affairs, Andrzej Ananicz. On 25-27 February, an exchange of views is to occur between the representatives of the Polish and German governments

on matters relating to the sojourn of the troops of the former Soviet army, with Generals Zdzislaw Ostrowski and H. Froetsch.

At present, the withdrawal issue seems to be especially complicated by two problems: First, there is the still unresolved question of settling property and financial accounts relating to the stationing of Soviet units throughout the entire postwar period. Secondly, there is the growth in mutual animosity over the years (although its causes are not comparable on both sides), an animosity which now and then is vented in the form of hostile actions and words, to which publicity is usually given. Perhaps thus some political gestures relieving this situation at least partially are needed; this conclusion is suggested by considerations of national and personal security of the citizens now and in the future.

For it cannot be denied that the protracted stationing of foreign troops harbors certain risks. It had been thought, for instance, in January 1991, during the climactic moments of the Lithuanian-Soviet conflict, that the units stationed in Poland might be used. During the Moscow Putsch (19-21 August 1991) a mobilization had been ordered within these units. It would be an exaggeration to contend that the very fact of their being stationed in Poland involves nowadays some danger to Polish security, but one thing is certain: These units are still being kept in combat readiness.

Their size and strength has diminished only insignificantly. That is because operational transports are not leaving Poland. To be sure, combat and transport aircraft are leaving Poland, but many of them are returning as well. Since 8 April 1991, that is since the beginning of the evacuation, 4,387 troops, 33 missile launchers, 348 tanks, 273 combat vehicles, 354 guns of various caliber, one aircraft squadron, two helicopter squadrons, and more than 60,000 metric tons of various materiel have left Poland. Twelve garrisons have departed as well (there are no longer any Soviet troops in the Skierniewice, Walbrzych, and Torun voivodships).

The sojourn of foreign troops on the territory of a sovereign state in the absence of any ties of alliance is obviously diminishing that state's sovereignty. It is also complicating rapprochement with the Western security structures, NATO, and the West European Union, as well as the basing of the European security system on new principles that are still being worked out.

#### Rationales and Gestures

These should be the rationales for political decisions. In practice, this would have to mean subordinating to that goal the issue of settling all payments. Experts from both sides have been fruitlessly debating this issue for a long time. This in its turn is raising the question of whether we were right in linking the timetable for withdrawing Soviet troops to the settlement of property and financial disputes. That approach has been evolving anyway. In the beginning the so-called zero solution was considered, meaning the presentation of bills by both parties and

their mutual balancing to zero. However, the Soviet side abandoned that approach after it realized how complicated the payments discussion with Czecho-Slovakia and Hungary was. Despite the total withdrawal of Soviet troops from these countries, not even a ruble or a dollar changed hands and moreover no such talks were held. The resulting gain to Prague and Budapest needs no explanation. Moscow on its part learned a lesson and began to pose hard terms to its Polish partner. In effect, the question of settling accounts is blocking the withdrawal. Moscow has declared that it shall not sign a withdrawal agreement without settling the financial dispute.

What are the specific issues in that dispute? This concerns appraising the value of 2,717 facilities which the Russians built with their own funds, as well as of 3,783, facilities, chiefly post-German ones, mostly devastated, which they had first arbitrarily seized and then leased on the basis of agreements sanctioning that status quo. This also concerns compensation for ecological damage. So far, it was only on 21 February that the so-called method for appraising ecological damage could be agreed upon, but no similar method has yet been agreed upon as regards to appraising the value of the abovementioned real estate and repair work. True, the Russians have no money. They are in arrears with payments for 1991—for rent, for railroad transports, and for deliveries of food-stuffs and fuel, altogether \$7,029,000. This is leading to the disconnection of electricity in the facilities used by these units.

Another domain of matters complicating full agreement on the withdrawal of the troops is the old-style behavior, so to speak, of the Russian side, dating from the period when our mutual relations were characterized by Soviet domination. For example, the Russians have not presented to the Polish side a timetable for the withdrawal of their troops, and they are trying to dictate the terms on which personnel and equipment are to be evacuated, without reporting to the Polish authorities. They are also delaying the evacuation under various pretexts (for example, the allegedly insufficient capacity of Polish railroads for faster transportation). An altogether separate chapter is the issue of the generals' notorious comments or the issue of historical reckoning.

#### Negotiation Calendar for Withdrawal

92EP0247B Warsaw RZECZPOSPOLITA in Polish  
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[Unattributed article: "Negotiation Calendar"]

[Text]

**14 March 1990**—National Defense Committee: The withdrawal of Soviet troops should be correlated with the development of the international situation.

**7 September 1990**—The Polish government requested the Soviet government to commence negotiations and

pay compensation for the losses associated with the 45-year stationing of troops.

**20 November 1990**—Gorbachev, during the Paris CSCE [Conference on European Security and Cooperation], promises a rapid signing of the withdrawal agreement. During the first round of negotiations, the Polish authorities do not agree to the withdrawal of Soviet troops from the GDR without a concomitant treaty with Poland. The USSR accuses Poland of complicating evacuation from Germany.

**2 January 1991**—Dmitriy Yazov indicates that the USSR Ministry of Defense is not expecting a withdrawal in 1991.

**11 January 1991**—"We would like the withdrawal to begin even before the transit [of Soviet troops] from Germany commences, and to be completed by year end," said a spokesman for the Polish Ministry of Foreign Affairs.

**January/February 1991**—Incidents linked to the absence of documentation relating to the transports leaving Germany and, in that connection, their being turned back or delayed while in transit on our territory.

**15 January 1991**—The Commander of the Northern Army Group General Dubynin accuses Poland of deliberately complicating the withdrawal negotiations. "The Polish side," he declared in an interview reported by TASS, "wants to escort them (Soviet troops) out like prisoners of war.... Until the complete withdrawal of the Western Group of Troops from German territory there can be no mention of the withdrawal of Soviet troops from the territory of the Republic of Poland. The Soviet side will be withdrawing in accordance with its own plans."

**End of January [1991]**—Representatives of the Polish Ministry of Foreign Affairs begin to mention the possibility of postponing the withdrawal timetable for several months, and that this operation should begin before the completion of the withdrawal from Germany (which was to begin on 1 January) and soon after the withdrawal from Czechoslovakia and Hungary.

**12 February 1991**—The Polish side announces that the text of the withdrawal agreement has been agreed upon 90 percent, but without the most important term—the deadline for that operation—being settled yet, with the Russians mentioning mid-1994. Negotiator G. Kosztrzewa-Zorbas declared, "Poland will resolutely postpone signing the agreement for the transit of Soviet units across Poland until such time when the deadline for the withdrawal of Soviet troops from Poland is agreed upon." The Belweder: 1994 is unacceptable.

**17 February 1991**—"So long as the inviolability of Poland's western border had not been guaranteed, the Polish authorities had repeatedly declared that they wanted Soviet troops to [remain] stationed on their

territory. But as soon as Warsaw received border guarantees, its position became reversed," said Deputy Minister for Foreign Affairs J. Kwicinski in an interview granted to IZVESTIYA.

**February 1991**—The German press, referring to Bonn experts, thrice accuses Poland of a delaying tactic with regard to the issue of transit from Germany, and the Bonn government is paying an extra 250 million marks for the additional cost of transportation by sea, "owing to the lack of Warsaw's consent to transit through Poland."

**11 March 1991**—Soviet authorities are inclined to begin withdrawing troops as early as in April, and for the beginning the most cumbersome units will be the first to leave Poland," stressed the Chief of the General Staff General Moiseyev following talks with Minister K. Skubiszewski, who said, "Once Moscow agrees to withdrawing larger units from Poland, the Polish Government will agree to the concomitant transit of troops stationed in the GDR through our country, but agreements for the transit and withdrawal will have to be concluded first. The Soviet side gave to understand that this process may end earlier than by mid-1994."

**20 March 1991**—The Government Plenipotentiary for the Sojourn of Troops, General Ostrowski declared, "The Soviet side expects to withdraw about 20-25 percent of the units in 1991, and 35-40 percent each in 1992 and 1993."

**27 March 1991**—Transit through Poland will commence only after treaties on withdrawing troops from Poland are signed between the governments of the Republic of Poland and the USSR, declared a government commission.

**4 April 1991**—Prime Minister J.K. Bielecki is trying, during his visit to Moscow, to speed up the withdrawal negotiations; he supports the end of 1991 as the final deadline, but he also is speaking of being flexible.

By April 1991 8 units have left Poland.

**9 April 1991**—Official commencement of the withdrawal of Soviet troops from Poland. Gen. Dubynin: "There is no alternative to the withdrawal. We would have anyhow commenced it in the spring of 1991 even if the Polish side had not contacted the Soviet authorities about this matter. The decision to withdraw is linked to the adoption by the USSR of a new doctrine under which Soviet troops shall not be stationed on foreign territory." And further, "The withdrawal is underway, even though the Polish side is blocking the transit of the units leaving Germany through its territory."

**9 April 1991**—The Polish and USSR governments have agreed on the commencement of the withdrawal of the Soviet troops stationed in Poland, according to an official communique of the Ministry of Foreign Affairs. Deputy Minister of Foreign Affairs J. Makarczyk commented, "The Polish side agreed to the commencement



of troop withdrawal even before the signing of the agreements, but the final deadline will be determined only at the highest political level. It is not unlikely that, by way of an exception, the Polish government will consent to the commencement—on a small scale—of the transit of the USSR troops stationed in the GDR through our country.”

**12 April 1991**—The text of the withdrawal [agreement] is all ready but for the deadline of the withdrawal. The Soviet side mentions mid-1993 or the first half of 1993, but it has not presented a timetable.

**29 May 1991**—Gen. Dubynin states in PRAVDA that Poland wants the troops to be withdrawn in mid-1992 and claims that, instead of reaching a compromise on financial and property issues, it is deliberately delaying things in the belief that it would succeed in taking possession of the relinquished Soviet property.

**6 June 1991**—The Polish Press Agency reports a news release from the Ministry of Foreign Affairs according to which there are no longer any formal-legal barriers to commencing the transit, inasmuch as the agreement between Poland and the Soviet Union has been concluded 90 percent.

**14 June 1991**—E. Shevardnadze believes that the evacuation can be speeded up.

**14 June 1991**—The agreements for withdrawal and for transit are nearly ready, but the problem of the deadline and of settlement of accounts remains open.

**24 July 1991**—“We have reasons to believe,” V. Kopyeltsev comments in the newspaper KRASNAYA ZVEZDA, “that the Polish side represents more constructive thinking and manifest readiness for a compromise. Much will now hinge on decisions as to the withdrawal deadline and financial-property problems.”

**21 August 1991**—During the coup d’etat Gen. Dubynin declared: “The units are engaging in normal training activities. Evacuation is continuing on the scale envisaged earlier.” Dubynin cancels a press conference on the occasion of the withdrawal of troops from Western Pomerania.

**23 August 1991**—Progress is made concerning the deadline, but not concerning settlements of accounts, according to J. Sulek, a negotiator. K. Skubiszewski characterizes the withdrawal issue as one that needs to be urgently resolved. The Poles want (it is alleged) the withdrawal to be completed by the end of 1992, while the Russians prefer the end of 1993. According to V. Kopyeltsev, who attends the negotiations with the same instructions as previously, the Soviet side is ready to withdraw operational units by the end of 1992, combat units by the end of 1993, and communications and logistics units, by the end of 1994.

**10 October 1991**—According to the spokesman of the Ministry of Foreign Affairs, the troops shall leave Polish territory by the end of 1993, with the combat units to leave by the end of 1992.

**27 October 1991**—Initialing of the treaty under which combat units are to be withdrawn by 15 November 1992; 6,000 soldiers will still have the right to stay in Poland by January 1993, and as few as 2,000 by the fourth quarter of 1993. The two governments pledge themselves to cooperate in assuring a smooth troop withdrawal according to the agreed-upon timetable. The treaty takes effect on the day the ratification documents are exchanged. The principal problem in the negotiations henceforth is how to determine the financial protocol which shall specify the rules for transferring movable property and real estate to Poland.

**24 January 1992**—The Russian side declares that, as a successor to the Soviet Union, it accepts the obligations that had been initialed and accepted by the USSR, including the evacuation of the Northern Group of Troops.

**26 January 1992**—“By 15 November 1992 all the combat units will leave Poland, and by the end of 1993 so will all the soldiers who until then shall be supervising the transit of our formations from Germany through Poland,” announces Gen. Dubynin, and he adds, “This shall take place even in the event that the Polish side does not sign the agreement on the rules and procedure of the withdrawal.” He accuses Poland of many sins.

**21 February 1992**—An understanding on the procedure for appraising ecological damage is reached.

### Troop, Equipment Statistics Published

92EP0247C Warsaw RZECZPOSPOLITA in Polish  
24 Feb 92 p 6

[Article by maw: “Legal Status; How Many Soldiers; What Equipment?”]

[Text] Until the complete withdrawal of the Northern Group of Troops of the former Red Army from Polish territory, its sojourn is based on the Polish-Soviet Agreement of 17 December 1956 and on nine normative-legal acts regulating all aspects of the temporary stationing of Soviet troops in Poland. In addition, the Polish authorities have issued 16 internal legal acts concerning the temporary sojourn of Soviet troops.

Under these agreements and regulations, the number of troops stationed in Poland cannot exceed 66,000, of whom 40,000 land troops, 17,000 air force personnel, and 7,000 naval personnel. The overall number of the troops stationed at any time has never exceeded 58,000. These units were, according to figures dating from before the commencement of the withdrawal, deployed in 35 garrisons. They used 70,000 [hectares] of various kinds of land, which included four gunnery and firing ranges (58,470 hectares), 13 airfields (of which five are reserve

airfields), 23 railroad sidings with an overall length of 64,000 linear meters; and 3,000 linear meters of sea-coast.

The Northern Group operated with: 605 tanks; 850 armored and armor-plated vehicles; 450 guns and

mortars; 220 combat aircraft; 85 helicopters; nuclear weapons, presumably at three bases; and combat-ammunition and explosives depots.

The units are withdrawing to Russian territory and to the environs of Kaliningrad.



**Iliescu on Foreign Affairs, Economy, Elections**

92BA0560A Bucharest DIMINEATA in Romanian  
15-16 Feb 92 pp 1-4

[Press conference held by President Ion Iliescu at Cotroceni Palace on 5 February]

[Text] **Mr. Lupu, International Press Service:** My question is, what was the major new thing you learned in the course of your contacts in Davos, of which you were not previously aware, and of course, what was its main message?

**Ion Iliescu:** It was not a matter of any special novelty, because we do follow events in the world and the various views being expressed. What was interesting at the Davos meeting was the informal framework of the discussions, which were very varied and free, at multilateral or bilateral level, in smaller or larger circles, devoted to major global themes or to regional affairs. As I was saying, the major topic of interest concerned the current international economic processes, world economic crises, and the specific processes taking place in East Europe: the disintegration of the former Soviet Union, the emergence of a community of independent states and the economic and political issues stemming thereof, and the threat of explosive developments in the future; the situation in Yugoslavia; the political and economic reforms in all the East European countries—how they are proceeding, what difficulties there are, what sources of potential instability they will offer in the future, and what means are available to attenuate them, because they have a fatal impact on the general European stability and on international stability. That was the major concern, with its nuances, of course. When I made that comparison I was referring to the opportunity for contacts...with both political figures and businessmen.... In less than three days I had a very large number of such contacts.

**Peter Stagher, ADEVARUL:** Mr. President, I would like to ask you whether you received any suggestions about postponing the general elections?

**Ion Iliescu:** From whom?

**P. Stagher:** From parties, from the government, from Parliament....

**Ion Iliescu:** No. In fact, I discussed the elections far earlier, in the fall, several times, with representatives of all the parties represented in Parliament and that is when we agreed on the date. The discussions were contradictory: Some thought the elections were too close, others thought they were too distant, but in the end we did reach a consensus. Initially, the local elections were supposed to be held as soon as possible—the government wanted them in December—so the date of 9 February was chosen. At the time it was agreed that the general elections should be held approximately three months after the local elections. Currently the draft bill on the parliamentary elections and that on the presidential

election are in Parliament, which will pass the text of the law after pronouncing on it in accordance with the new Constitution. On that occasion, Parliament will also decide on the actual election date. As I was saying, the preference is for keeping a distance of about three months from the local elections. Other discussions I have not had.

**Spiridon Lefter, YOMIURI SHIMBUN:** Mr. President, in the context of the disappearance of the old regional economic structures and the emergence of new, more or less open economic zones, what are Romania's long-term and short-term options for becoming affiliated with or integrated in the new structures?

**Ion Iliescu:** As I said before and as all the analysts note, the disappearance of CEMA as a structure of regional cooperation created an imbalance and became a source of great additional difficulties on top of the crisis processes that occurred in all the East European countries. These countries are seeking a new orientation. At the same time, obviously this regional context will remain of interest primarily to the countries in this area; at the moment, however, there is an influx of various other countries interested in the former CEMA markets, especially in the Russian market. At Davos, at the hotel at which our delegation stayed, dozens of rooms were occupied by representatives of American, German, French, South Korean, and other firms, something that demonstrates great interest in this market and its prospects. At the same time, there are attempts to preserve the useful elements of the traditional economic relations in the area. The latter trend is the underpinning for the endeavors to establish an organization for the Black Sea countries, for the purpose of developing regional relations. Otherwise, all the East European countries wish to become integrated in Europe and in the European Community, but wishing is not enough, we must also be able to, and you can see how difficult this integration is. At one discussion in Davos somebody said that the developed countries are pleading for the liberalization of the world economy, advising the poorly developed countries to open up their economies, end the foreign trade monopoly, and terminate budget funding of enterprises, while they themselves are practicing an excessive protectionism. Even the president of the most powerful state in the world went to plead the interests of American companies, while at the same time talking about government noninvolvement in economic affairs! So the economic problems are more complex and complicated, and the Common Market, as you see, is a community with many restrictions about accepting other countries, even countries with an equal economic potential. The process is complex and protracted, so we must find means of utilizing every opportunity of expanding our spectrum of economic relations. Thus, on the one hand, we seek to maintain economic relations in our immediate region, with the countries with which we have traditions in this respect, and with other European countries with whom we also have such longstanding ties. Along this line, we want to note the positive factor of an influx of foreign

capital at the beginning of 1991, the emergence of a growing number of mixed companies, and recently even the emergence of sound financial circles. This process is making progress, but this kind of reorientation and restructuring of the international relations is a complex process.

**Stefan Stoian, BARICADA:** Mr. President, please be so kind as to tell us what your contribution was to supporting Romania's national interest at the moment of disintegration of the Russian empire, especially regarding Bessarabia's unification with the mother country? The second question is: What is your comment, Mr. President, on President Snegur's irresponsible statement according to which the Romanians allegedly colonized or oppressed their own Romanians on the other side of the Prut? And the last question: Can you tell us more about the fact that at the last two press conferences, the government insistently talked about bringing the stockmarket closer to Russia?

**Ion Iliescu:** In everything I did I sought to support our country's interests in its external relations, including its relations with the former Soviet Union, and now with Russia. Even that draft treaty that was so harshly criticized contained elements which accounted for the changes in Europe and in the two countries, including promoting direct relations with the member republics. The USSR had not yet disintegrated at the time. Along that line, I had already then initiated contacts aimed at developing economic and other relations with Russia and Ukraine. With Moldova we directly began to carry out a very specific program for diversifying the means of integration of the two states both in economic and in cultural, political, humanitarian, and other areas. A future unification is a process that must be de facto supported. It is not by noisy slogans that one promotes such an objective. I think that what we are doing at a state level is fundamental for promoting such a process in the future; thus, the last two meetings were devoted precisely to this issue. As a matter of fact, the Republic of Moldova is for the moment completely tied into the former Soviet Union economy and to the economies of Russia and Ukraine, and that is something we cannot ignore. On the other hand, the political problems in this area are pretty complex, so that if the Moldovan leadership had not signed the Alma Ata Treaty, events like those in Georgia could have broken out in Moldova, too. As it is, in the past few days there have been provocations by nationalist Transdniester elements that had an echo in Moscow. We try to support them in every area, but we cannot take irresponsible measures. At the state level we cannot afford to be content merely with slogans, but we must act responsibly and lay the foundation for a real, basic process toward the realization of this objective. Mr. Mircea Snegur was himself surprised by the statements attributed to him, when he heard about them upon his return from Davos. The first time he learned that such assertions were attributed to him was when the representative of TINERETUL LIBER asked him the question, and he denied that he had ever expressed such

views. I think that it is even absurd to talk about the "occupation of Romanians by Romanians." He denied ever having said such a thing, and even rejected it outright.

I don't know to what exactly you were referring in your question, but personally I know that at one point, Mr. Stolojan talked about our interest in maintaining our traditional relations and markets, our sources of energy and raw materials, also in the new context of economic relations based on levers specific of a market economy; he also talked directly about the Russian, Ukraine, and other Black Sea markets. That was the meaning of his statements and of our endeavors; in other words, we do not want to close up toward our old partners, we want to utilize the new context of the international economy in order to develop those relations, too.

**Cristina Pirvulescu, The Associated Press:** Do you think that at the general elections the alliance of the democratic left will win confidence because of the economic crisis?

**President Iliescu:** It is difficult to predict. Of course, the difficult socioeconomic situation does encourage certain choices, but the processes are very complex, they are progressing rather quickly, and I would abstain from any estimates.

**Virginia Ghita, VIITORUL ROMANESC:** Recently there have been many rather chaotic, albeit predictable trade union movements. What do you think of those movements and their possible evolution? Second question: What do you think about the activities of U.S. diplomats accredited to Bucharest, especially about the activities of former U.S. Ambassador Alan Green, Jr.?

**President Iliescu:** At such a difficult economic time, with its serious social effects, demand movements are natural. The manner in which they are carried out has to do with a certain process of evolution in the organization of the trade movement. I think that there has been progress from that viewpoint in the trade union movement in our country, too. Compared to its truly chaotic nature in the first year, a more coherently organized movement has begun to emerge, as have several centrals, connections, and forms of communications and cooperation. Similarly, an active dialogue has recently been promoted between the government and the trade unions and between management and the trade unions. I think that in the future this "triangle" of relations between the government, management, and trade unions will have to be reinforced. Thus, I think it is an evolutionary, nascent process. As for immediate developments, however, because of the complex situation and the economic difficulties, one can always expect uncontrolled eruptions and explosions not likely to facilitate the finding of solutions; on the contrary, as we know full well, they tend to complicate matters. All these anarchic eruptions have made only difficulties for us, and that is why what some people said, that they had been plotted or orchestrated by the power itself, was nonsense. Only illogical people

can think such a thing. However, we hope that despite our hardships, a more mature thinking will help to rationally handle and resolve the problems.

As for the other question, we have several times highlighted the positive development of our relations with the diplomatic corps, including the U.S. diplomats, and even the departing ambassador. We are expecting the new U.S. ambassador designate, who has announced his arrival for the end of this month. Once again, we have established contacts and dialogue with the former ambassador, also in order to clarify certain statements, confusions, and misunderstandings regarding certain aspects of our relations. We noted a positive development both in the attitude of the State Department and of the American diplomats in Bucharest toward Romania.

**Dorin Tiganus, EXPRES:** I wanted to refer to the fact that Romania-Ukraine relations were at one point affected by the Romanian Parliament's statement about the territories of Northern Bukovina and Hertza. Did the conflict appear because of the statement, or because of the Romanian territories? And a second question: Do you believe that any link existed between market price developments and the talks between the trade unions and the government?

**President Iliescu:** There are two distinct aspects here: One is the basic, historical dispute regarding the fate of certain territories, and the other is the issue of contacts in the wake of our declaration regarding recognition of the new Ukraine state and the desire to establish diplomatic relations. Diplomatic relations do not mean absence of any differences of views or of approach, or absence of conflicting views, or of this kind of problem. However, the declaration made by our Parliament was not at all opportune at the time. The Ukraine foreign minister was preparing to come to Bucharest. The declaration in question broke up the visit and was taken as a sign of hostility on our part. We must not cultivate such tense relations with the neighbors. As it is we have enough domestic problems and enough enemies or non-friends; it is in our national interest to promote good relations with all the neighbors, including those with whom we have historical disputes or disputes of a more recent date. Negotiations are also being held in Budapest for signing a treaty with Hungary, although there are differences in how we approach certain issues. Consequently, I think that a reasonable, realistic, and political approach is designed to create a platform for understanding. In Davos we tried to overcome conflictual aspects and to show that the problem is what it is and that we are determined to tackle it by political means and to eventually resolve it together. It is in our common interest to maintain relations of good neighborliness and to utilize what may be mutually advantageous in our economic relations; we are close and we are mutually interested in developing economic relations and a relaxed climate in our bilateral relations.

As to your second question: Of course price developments were one of the topics of this dialogue regarding the negotiation of salary principles.

**Sonia Rusu, ROMPRES:** On your return from the Davos meeting you made a statement to the press in which you said that you were the target of a barrage of questions at the roundtable at which you participated. What was the nature of those questions, and did you find any of them uncomfortable? Did you at any time feel you were being interrogated? And secondly, what is now the tone of your relations with President Mircea Snegur?

**President Iliescu:** That kind of meeting was held in the afternoon of the very first day, namely a roundtable with about 15-16 personalities. The moderator was Professor Barre. It actually turned into a dialogue between myself and the rest of the participants. I was subjected to many questions, which revealed people's interest in finding out the processes underway and in evaluating these processes from an economic and a political viewpoint, as well as the substance of the economic reform, what was achieved so far, how the process of privatization was progressing in agriculture, industry, and services; what facilities existed for foreign investment, what progress had been made in that respect, and what prospects were opening up. Interest was exhibited in the two projects: the Black Sea zone, including the meeting that had been planned regarding the development of economic relations in that area, and the Danube-Rhine project and the development of relations in the Danube basin. In that context, appreciation was expressed for Romania's strategic role in that part of Europe on the one hand, and the fact that our country constitutes a link between Europe and the Near East. The latter aspect is eliciting great interest, especially among American and Japanese capital investors, who view Constanta and the free zone we want to establish, Constanta-Danube Channel-Black Sea, which can become a window of opportunity for a string of economic activities profitable not only for Romania, but even for Europe as a whole. These were more or less the issues we discussed on that occasion.

The relations with Mr. Snegur are developing well, positively; they are amicable relations of good understanding. His situation is not at all simple, it may be even more complex than that of the Romanian president, who is not in a comfortable position either. It is not easy to swim in a world subjected to such diverse pressures. As for Moldova, at present it finds itself between two zones of pressure: On the one hand there are the processes occurring in the former Soviet Union, where all their relations and links are. Here are a few examples: At one point all deliveries of gas and oil were cut and they were left completely isolated and without any means of alternative help. The entire industry is located on the Dniester and depends on relations with the Ukraine and Russian industry. The measures taken at the beginning of this year regarding the price liberalization in Russia led to a price explosion and a strong influx of currency, of rubles, into the Moldovan market, which emptied the already bare stores. On the other hand, the influence

coming from us is not brilliant either, considering everything that is happening in our country, the inflation, and the invasion of people seeking to use the differences of prices and rates of exchange, those profiteers dealing in accessible goods. In other words, the Republic of Moldova is also in a very difficult situation. It is not easy to find the middle of the way, to maintain stability, and to preclude serious political conflicts that may turn into military conflicts. In Transdnister, for example, there is a military unit, armed guards, and cossacks. Maintaining a modicum of peace in which to overcome the current economic problems is not an easy matter. And Romania today is not in a position to do what West Germany did about East Germany and, as you see, two years later, the former can hardly bear the burden, in spite of having the strongest economy in Europe. Hence, the problems are not at all easy and one has to understand the position of a politician at the helm of a country facing so many problems. We try to do everything in our power to help them politically and economically in order to overcome these problems.

**Milan Petrovic, VECHERNY NOVOSTI, Belgrade:** Your Excellency, you spoke about your meeting in Davos with the president of Croatia. Can you tell us what you talked about and what are your conclusions after this meeting about possible developments in Yugoslavia? Secondly, what is your comment on the following absolutely genuine facts: The first: A poll done by a Western institute in 10 central and East European countries showed that to the question, "Do you prefer the establishment of a democratic system in the Yugoslav area, or the preservation of Yugoslavia," the majority of the public in nine countries chose a democratic system, and only the Romanians were in favor of Yugoslavia's existence. Second fact: When the Romanian government decided to recognize Slovenia and Croatia as independent states, we noted that none of the Romanian newspapers applauded the government. On the contrary, there was only criticism.

**President Iliescu:** My meeting with Mr. Tudjman marked a new point, namely Romania's recognition of Croatia. I had met Mr. Tudjman last year in Zagreb. This time I acknowledged this new reality and noted the desire to establish diplomatic relations. At the same time, we expressed our hope that political solutions will be found to the very complex problems plaguing the community of Yugoslav states. We noted a certain openness on the part of our partners, too, and a certain note of optimism as to the prospects of political solutions. We understood that there was some cooperation and understanding with the federal bodies, especially with the Serbian leadership, with Mr. Milosevic, regarding UN assistance. We noted that both the Croat side and the Macedonian and Serbian sides adopted a realistic approach to and correctly understood Romania's views, position, and measures regarding the situation in Yugoslavia, including its recognition of the two states. As for the western survey, I think that the fact that the majority of Romanians are in favor of Yugoslavia

indicates a mark of goodwill on the part of the Romanians toward Yugoslavia, considering the traditionally good relations between our countries and the general feeling that preserving the state structures would have been a positive thing. However, processes are something inevitable and we must take the realities into account. Consequently, as I said, we adopted what I think is a reasonable policy, which is to take into consideration the choices of the peoples and their right to self-determination and to deciding on their own form of statal organization. We took an open and friendly attitude toward all the component republics and militated for increased efforts to find peaceful, political solutions to the problems and to avoid conflicts.

I don't know, I did not get the same impression, I don't think that the entire Romanian press was critical of Romania's decision. I think that only one or two publications carried views which showed they did not understand the decision. As for the rest, I have the impression that the situation was presented objectively and on the basis of Romania's realistic position of taking the existing realities into consideration and joining the general European context in approaching the new realities prevailing in Yugoslavia. I think that the press did mark that position.

**Marina Lorentz Popa, Canada:** Mr. President, please tell us about the present document you signed in Davos with the prime minister of Quebec.

**President Iliescu:** That was a continuation of, on the one hand, our talks in Paris, where we discussed the new context provided by Quebec's relatively autonomous situation in Canada and the movement existing for marking that situation, also by establishing direct relations with other states. Since then we have expressed a common desire to establish a framework for developing such direct relations between our countries. In Paris the matter took concrete shape in a draft document that we had sent prior to that and on which we had agreed; in Davos we signed it together with Prime Minister Bourassa. The document sanctions the political determination of the two leaderships to establish a framework for developing direct bilateral relations; along this line, we decided to set up a mixed working group to investigate the areas in which we can develop an economic, industrial, and technological cooperation, as well as cooperation in the areas of environmental protection, training, cultural relations, and so forth. Answering questions by Canadian journalists, Prime Minister Bourassa said that the document we signed was an independent political document. He explained that it was not the first, there existed a few other such documents, and that it represented a political decision designed to emphasize the assertion of this kind of autonomy in foreign relations, and thus a movement toward the independence of Quebec.

Actually, in Paris I met both with Mr. Bourassa and with the prime minister of Canada, and I noted a complete



bilateral understanding and no controversy regarding Quebec's desire to expand its international relations.

**Mircea Ichim, DIMINEATA:** Mr. President, as a citizen of Bucharest, on 9 February you will exercise your right to vote. I will not ask you for whom you will vote, because of course you will not reveal your electoral preferences to us. Nevertheless, please tell us what approximately you expect from the general mayor of Romania's capital city.

**President Iliescu:** The post of mayor of the capital is a very uncomfortable one, perhaps more difficult than any minister's. No minister has as many problems as has and will have the general mayor of the capital, especially in the present condition of the city management. There are infrastructure problems that require investments and intensive and ongoing work: energy, heat, water, and sewage networks; waste water purification; urban transportation; trade, and all kinds of civic services. The problems of housing and construction are growing in complexity. Thus, any mayor of the capital will have a very wide range of problems that will require first of all coherent concepts and the help of many experts, with a view to establishing a long-term strategy for the city management and for resolving the major problems on a long-term, realistic schedule. First we have to see what can be done in the short term. Another thing that needs to be considered is an easier framework of communication with the citizens and probably the decentralization of many civic services. The citizens must not have to run around so much to resolve their own affairs, for which efficient means of handling must be devised. Particular firmness is required about upholding principles regarding the honesty of the people employed in the apparatus of city halls and administrative services of the capital, so as to uproot all corruption, especially among public and administration functionaries.

**Joachim Sonnenberg, DPA [Deutsche Presse-Agentur], Germany:** Mr. President, recently voices have been increasingly heard among the ministerial bureaucracy and some of the press to the effect that we do not necessarily need foreigners in our economy and that we can deal with our problems by means of original Romanian concepts. You, Mr. President, have been abroad and have an idea of the quality standards of western goods. Do you think that Romania will indeed be able to offer, within a relatively short time, competitive goods in western markets, manufactured without any cooperation with foreign enterprises and managers?

**President Iliescu:** In a way, you have answered your own question by your phrasing. We are still held hostage to the primitive autarchic concept that Ceausescu promoted for 20 years, especially in the past 10 years; he claimed that Romania could produce everything and develop every branch. Consequently, we inherited a profoundly illogical industrial structure, which in fact depends heavily on foreign sources of energy and raw materials, dominated by an energy intensive industry that can hardly be kept going today. That is why we have

unused capacities, with their effects on the entire balance of the national economy. And then there is the rather unnatural but understandable reaction of the state enterprises, even in their new form as autonomous managements or economic enterprises, which do not think up their own solutions in economic terms, but seek compromise solutions that will not create any great difficulties with either the trade unions or the workers. The result is that a balast of work force is kept on and allowed to reflect in the cost price; in addition, there are the unused capacities which also appear in the inflated cost prices, and everything is perpetuated by inflated price increases, and so on. In other words, we are paying tribute to a structure that for years to come will create great difficulties for all our activities and for the strategy that must be worked out to reestablish and to create a new industrial structure, based on different priorities. But that cannot be done without a broad integration in the international economy, without broadly developing diverse forms of economic and technological cooperation with prestigious, high quality foreign firms. But reactions such as you mentioned are natural for people who allow themselves to be swayed by conjectural demagogical formulas which do not come from thorough analyses of the current economic situation in Romania and of the means by which we can promote a modern economy in line with the requirements of this end of a century.

**Rodica Dumitrescu, TINERAMA:** Mr. President, at the recent Prague meeting of CSCE foreign ministers it was decided to "stretch" Europe all the way to Tashkent and Alma Ata; the reasons for such a decision are known. Do you not think, however, that a danger exists that such an expansion will deal a mortal blow to the very idea of European construction?

**President Iliescu:** An interesting question. It was posed by the president of Cyprus to Mme. Lalumiere, secretary general of the European Council; she answered by a formula used by de Gaulle. De Gaulle, before (or after, I'm not sure which) launching the idea of a Europe from the Atlantic to the Urals, when asked a similar question at a press conference—meaning what he thought of a greater Europe, from where to where—after a few seconds of reflection, said: "From one end to the other."

Why should the Asian republics of the former Soviet Union be accepted into Europe? But what will happen if they are not, where will they turn to? Those are Muslim republics, they fall under a different realm of laws, and from that viewpoint political thinking must assume various forms. In addition, Russia stretches not only to the Urals, Russia also includes Siberia, so in any event it does not go from the Atlantic to the Urals, but to Vladivostok. Consequently, the situation must not be viewed only in geographic terms, but primarily from a predominantly political angle, when discussing this kind of expansion. This process is in fact a process of economic internationalization. Thus, the integration processes are far more extensive today. There is talk, for example, of a Pacific community including the United States, California, [as published] Japan, Australia, and



other Asian countries, whose potential will be about 60 percent of the world economy; in fact, it will create another pole, another center of economic interest.

**Dumitrescu:** Does it mean that the idea of Europe may disappear? Does your answer now confirm the sense of my question?

**President Iliescu:** Not necessarily, because currently the European community includes the United States and Canada, which geographically do not belong to Europe. So, as you see, the political expanse is larger than the geographical one. At least Asian Russia belongs to the same continent, is a direct land link; America is outside the continent, across the ocean, nevertheless, its presence and that of Canada in the European Community was viewed as politic, useful, and even necessary.

**Gilda Lazar, ROMANIA LIBERA:** Mr. President, what is your viewpoint on the date of the presidential and general elections, and does it coincide with the government's date? My second question, with your permission, is for Mr. Mironov: What is the connection between the report of the killing of the student Adrian Frumuseanu and the withdrawal of the credentials of the AM Pres correspondents at the presidency, who will be punished next, and should we soon expect that only representatives of the press that does not inconvenience will be allowed access to the Cotroceni Palace?

**Alexandru Mironov:** I have to ask you to excuse me, this is the press conference of Mr. President Ion Iliescu. We can talk afterward.

**President Iliescu:** Regarding the election date, I have already answered. My preference is not that important and I have no right of decision regarding the elections; however, as I told you, I have already discussed this subject with representatives of the parties. Generally speaking, most of the representatives preferred the general elections to take place before the summer, about three months after the local elections. Moreover, most views tend toward having both elections, general and presidential, at the same time, because people are rather fed up with so many elections. Creating a fourth election would be too much, much too much in the same year, already dominated by electoral campaigns. The most difficult issues are the economic problems, so we must have a regular foundation for both the executive and the legislative branches as soon as possible, so that they can deal with the basic socioeconomic problems and resolve them. So, personally, I am in favor of not putting off the date too long, but as I said, the matter will be discussed in Parliament.

**Vasile Gribincea, Bucharest correspondent of Radio Kishinev:** Mr. President, please tell us about your latest meeting with President Mircea Snegur at Otopeni, at the end of which you said you had discussed economic, social, and political issues concerning Romania and Moldova. What were those issues and possibly what solutions did you jointly seek and perhaps found? My second question is: In Davos you met with the Ukrainian

president, Leonid Kravchuk, with whom you discussed internal Moldovan problems—I am referring to Transdnister, the situation in Transdnister, which today you once again described as very tense.

**President Iliescu:** My in-depth discussions with Mr. Snegur regarding our bilateral relations took place especially in Ungheni, were then continued in Bucharest, when he came and we left together for Davos; we had another two hours of talks on the plane. Of course, we met in Davos, too, but we each had our schedule. At our meeting in Otopeni we discussed mostly our respective activities in Davos. We talked about the contacts Mr. Snegur made on the occasion, the meetings he attended, the meetings with Prime Ministers Demirel and Mitsotakis, and with other delegations. We talked about the Moldovan delegation's participation in the meeting of Black Sea countries in Istanbul. We decided how to continue direct ties at all levels, in order to create a permanent framework, especially at governmental level, in our pursuit of economic matters and economic cooperation. As for my meeting with Mr. Kravchuk, we certainly did not discuss Moldova's issues. We discussed our bilateral Romanian-Ukraine issues. We decided to skip over the sensitive aspects of certain diverging interests, politically diverging, and over territorial issues and to establish normal relations and diplomatic relations. We will meet again with the Ukraine foreign minister to examine the opening of the two embassies; after that we will establish a permanent framework for dialogue, in which difficult issues and disagreements can be negotiated without leading to tension or confrontation. That does not help resolve problems.

**Neculai Constantin Munteanu, Radio Free Europe:** Mr. President, when we were students, you too, students voted in the cities in which they went to school. Now it has been decided that students should vote where they reside: steps have been taken to make it easy for them to do so, they get the fare paid, and exams have been postponed; on the other hand, soldiers vote in the localities where they serve—of course, that's all we need, to send soldiers home to vote. In view of the fact that students are given to protests, do you not think that sending them home to vote will diminish the chances of the opposition in the university centers and give the majority party an advantage? That was one question. And as of yesterday the majority party was the National Salvation Front [NSF], if I'm not mistaken. The second question is somewhat touchier, because someone else asked it and I was sorry that you did not answer it. A functionary of the presidency can, to a certain extent, speak for the presidency. In a pamphlet, one of your close aides wrote not exactly diplomatically, for a magazine intent on rehabilitating the nomenclatura, about the "representative of a planetary gendarme." The expression is familiar to both of us from the time of our youth, SCINTEIA used to use it in the 1950's. Did that statement represent the president's viewpoint, too? Do you intend to establish lasting relations of cooperation and collaboration at many levels with that "planetary gendarme," or will you just let him foam at the mouth?

**President Iliescu:** Once again, I did not in anyway participate in adopting the decisions concerning the elections, nor are they mine. That is the business of the executive. I suspect that, regarding the students' voting system, the issue was discussed with the Ministry of Education, considering at what stage the students are now: exam sessions, breaks, etc. That was probably the argument that was taken into account regarding this situation, for deciding how the students will vote. For the military there was no problem, although I do not think that the criteria were those you pointed out. In the government, two representatives are directly involved in specific matters concerning the elections: Mr. Vaida for the PNL [National Liberal Party], and Mr. Ursu, who is not even a member of the party you were talking about. So I don't think that political criteria were used; I don't see what special impact can the presence of the students in one place or another have on the elections in general. As for the pamphlet you mentioned, I think that Mr. Mironov has already answered that. I personally criticized him for having allowed himself such a thing and I told him that a presidential functionary must not get involved in political affairs. He has to keep his personal views to himself, especially because of this kind of interpretation, namely that he was reflecting the viewpoint of the president or of the institution of the presidency, which was not the case.

**Gian-Marco Venier, ANSA [Associated National Press Agency], Italy:** Mr. President, at the future presidential election the parties will present their candidates. You are now a man without a party. Tell me, Mr. President, do you intend to run for the presidency?

**President Iliescu:** Allow me not to reveal that yet.

**Nicolae Costin Stoian, BBC:** Mr. President, last night you met with Mr. Victor Surdu, chairman of the Democratic Agrarian Party of Romania [PDAR]. Should you not be keeping at an equal distance from the various political forces on the eve of elections?

**President Iliescu:** We must make a distinction between things. When it comes to the parties, I receive any political group and that is not the first party that comes to meet with me. The subject of the discussion did not concern the activities of the party; the delegation that came was extensive, there were peasants among the members, including peasants who have come into land ownership, and agricultural experts. The issues raised concerned especially the difficulties currently confronting the agriculture, and they appealed to me to exercise pressures on the government to resolve several extremely urgent problems in the agriculture: delays in plowing and sowing, the large volume of work, and the general difficulties of the agriculture—which is currently rather disorganized and suffering shortages of manpower and fuel—so that a large volume of work can be completed in a short time; these situations are threatening the fate of this year's crops. So the people pleaded especially for resolving specific problems regarding the present situation of agricultural producers and units,

farms, the businesses that have been created, associations, and private peasants and emphasized the need for financial, material, and fuel assistance for the immediately next stage of the agricultural campaign. Because, they said, now everybody is busy with politics: The mayors are involved in the electoral campaign and are not seeing to actual local problems. There are difficulties procuring fuel, spare parts, machinery, and so forth. The increased prices make it difficult to get seed, fertilizer, and chemical treatments and to carry out mechanical operations. So that was the subject of our discussion. At today's government meeting the Agriculture Ministry is scheduled to present a report on the current situation. We had another meeting two weeks ago with the leadership of the Agriculture Ministry and other government functionaries, also from the Ministry of Economy and Finance and the Ministry of Industry regarding these serious problems. I suggested to the prime minister that he get a specific report at today's meeting about what has been done and what problems remain, and decide what actions to take in the next stages.

**Victor Martalogu, ROMPRES:** Mr. President, I would like to go back to foreign affairs for at least one moment and to stay turned toward the east just for the sake of this question. Please comment, from the viewpoint of our economic interests, on our relations with the republics of the former USSR, in view of the fact that at least with some of them we find ourselves together again in this nascent Black Sea alliance.

**President Iliescu:** Maintaining these relations is an essential and vital issue for us in order to secure important sources of energy and raw materials, as well as certain parts for our industry. As someone correctly stated here about our competitiveness, it will be a while before we can penetrate more advanced markets with a higher technological level, while in this area we already have traditional markets in which our industry has managed more easily. That is why, as you know, negotiations were held in Moscow for a commercial agreement with Russia and for finding financial solutions for mutual exchanges of goods. I also discussed with Mr. Kravchuk the establishment of relations with Ukraine—the state closest to us—with which we also have commercial interests and even a tradition of important economic relations.

**Mugurel Radulescu, ADEVARUL:** Mr. President, you again made critical remarks about Romania's image abroad at the recent Foreign Ministry meeting with Romanian ambassadors abroad. Along this line, do you think that the strategy of the resources and potential for promoting Romania's image abroad is efficient and sufficient?

**President Iliescu:** There are two aspects here, a political one and an economic one. I understand that the second part of your question refers to the resources mobilized for the purpose of foreign propaganda. These resources are indeed modest; our ambassadors, as well as others who talked to us about this matter, stressed that Romania is rather poorly featured in the press of other

countries, that we do a lot less than others. But there is also the political aspect of the matter, to which I also referred on previous occasions. This time, too, in Davos, many people, friends of ours, talked about the fact that we don't know how to use the human potential we have, that our Romanians outside are working at loggerheads, rather than jointly. The example of our Hungarian neighbors was cited every time: The Hungarians and the Poles also have their internal conflicts, their own upheavals, and different political preferences, but when it comes to defending national interests abroad, they make a united front. The Romanians are fighting both at home and abroad. And that is not projecting a good image of the country outside. This is what I have been told, in spite of the fact that Mr. Munteanu does not agree with me. I didn't even want to dwell on this matter precisely because I am aware of the existence of sensitive points; people say that I am shifting the responsibility for this image onto the opposition and onto some newspapers, instead of assuming complete responsibility for the fact that the bad image is due entirely to Iliescu and the conservative troglodytes in the political structures of the current power in Romania. I think that this is a caricature of the Romanian contemporary realities, but we have to take this into account, as well as the pertinent observations made by people not out of meanness. There is a difference between criticism and invective accusations based on falsehood and lies, as was the case you brought up, of AM Press, which is of course projecting a bad image about us both at home and abroad.

We do not know how to make the most of our political and intellectual potential and, of course, we have modest material and financial resources for funding such activities abroad. But I think that if we managed to achieve a better political, human communication among ourselves, even if we had to level, how shall I say, a very lively and active criticism about domestic phenomena, we could nevertheless defend our national interests in a coherent manner.

**Corina Cretu, AZI:** Mr. President, what do you think of the chances of the FSN candidates in the local elections, and do you believe that they are in the category of people you described in the beginning, meaning upright, correct, and capable of fighting corruption?

**President Iliescu:** I find it difficult to express such opinions, I don't have the necessary data, nor do I maintain this kind of communication with the leadership of the Front and the leaderships of local organizations. I saw some statistics, thousands of mayoral candidates and tens of thousands of council candidates, so it depends on how each one went about presenting credible candidates to the electoral, people with moral authority and with qualities apt to recommend them to the voters and to win their trust. If the Front did so, very well, if not, it will pay the price. Of course, other things have an influence, too, I think that from this viewpoint having to vote for a list does not help much. Every party may have on its list good people and not so good people, credible people and less credible people, and because of the list,

very good people may be sacrificed because of the presence of one who does not have credibility with the voters; at the same time, people of a lesser caliber may be pulled in next to a good man. That is why I said that personally, I thought that individual elections would have been better at the local level. Voting for a list is justified at the national level, where it is more difficult for people to be personally known and where the programs and parties are judged by what they represent to the voters. But, of course, the choice of the parties, including the FSN, was to have nominal elections only for mayors, while the councilors should be elected on party lists. Nevertheless, I think that the quality of the candidates presented by each party will influence voters' choices.

**Catrinel Preda Gelles, Deutsche Welle:** Your report and your answers convey a sense of optimism and relaxation that do not match the atmosphere currently prevailing in Romania, where people are disappointed, apathetic, and embittered. How do you explain this lightness, relaxation, and optimism?

**President Iliescu:** I do not think that anything I said showed a lighthearted treatment of the difficulties plaguing the Romanian economy. I even talked about that and about the fact that this period is not easy to overcome, that we are at a stage of profound crisis, caused by the combination of the results of the initial crisis generated by the old system and the old structures of a centralized economy, and a new crisis, generated by the process of transition, which required demolishing the new structures and mechanisms and creating new mechanisms, within a very painful and lengthy process. On top of all that came the disruptions in our international economic relations and the drop in material production that can only lead to diminishing our resources for handling and resolving the social problems. Hence the difficult situations in which people find themselves. I have talked about similar situations in other countries, I cited President Zhelev's statement, who was talking about Bulgaria and about the discouragement some people feel about the daily hardships. I even quoted Mr. Klaus about a country with a relatively better economic situation, Czechoslovakia. I cited a number of other partners who criticized international factors and western countries for not doing enough to support these efforts for the transition to a market economy. I don't think that I ignored, omitted, or skipped over the difficulties currently facing the Romanian society. I talked about inflation, about growing unemployment, and about a number of other difficulties. If you sensed a note of optimism, I'm glad about that. In Davos, too, at a roundtable, I was asked whether I felt any optimism about overcoming the present situation. I said we had no other chance but to express optimism about the capability of this society to overcome this time of hardship. We must believe in the moral strength of our people and in the capacity of the people of this country to overcome difficulties. It's not easy....

**Mrs. Dascal, REUTER:** Mr. President, speaking of Sunday's elections, the first after almost 50 years since the last local multiparty elections in Romania, you earlier said that being mayor general of the capital is not at all an enviable position, considering Bucharest's problems. Nevertheless, there are over 30 registered candidates. How would you describe that, as 30 concrete solutions, or as a lot of courage?

**President Iliescu:** In some cases I think it is a matter of excessive daring. I do not want to make any comments about the quality of the candidates, I think there are some good professionals among them; the citizens will decide. The large number of candidates is a function of the current situation; this dispersal of political forces will probably be repeated at the general election. I am not dramatizing the situation much, although some people said it was a maneuver of the power in order to fragment the opposition. That is another facile manner of approaching the situation. From my discussions with a large number of people, many countries went through similar processes. In Japan, I was told, there were more than 300 parties after the war; Spain had about 25 parties after the overthrow of fascism, but in time the situation settled and so did the options and currents, and thus the political parties. I think that a similar process will take place in our country. In fact, we are witnessing such a process—either the unification of some parties, or internal unrest, upheavals, and splits in others; it will of course be a while before a number of political choices and platforms will settle down and gather supporters around them, that is, before several major political parties will crystalize and dominate the Romanian political spectrum.

**Irina Baesu, CUVINTUL:** Sources close to the presidency are saying that you do not intend to run in the next presidential election and that you want to convince Mr. Augustin Buzura to run for the position. Can you tell me what is true in this rumor? Mr. Eugen Dijmarescu, speaking about the conflict between yourself and Mr. Petre Roman, said he suggested both to you and to him to come on television for a debate if you have things to say to each other, or to appear before the Front steering collegium. Will you accept that proposal? As president of Romania, what do you think about the commission of inquiry into the Roman government initiated by a group of Parliament members?

**President Iliescu:** Your expression, "sources close to the presidency," is interesting. What does it mean? Do you have some secret service for collecting information, or what is going on, that I often hear this way of putting it, which leaves me rather unclear. I don't know who your sources are. I have not yet said anything about this matter, so you must be better informed than I am. As for the conflict, I don't think that is a matter that can be debated either in the Front collegium, because I am not subject to internal front or party discipline, and differences of views and opinions between politicians naturally appear in any civilized or democratic country, in any democratic system, and this is something that after

all reflects a given situation and various processes in the political life of the country and the political parties; so there is nothing special about it and there is no need to explain anything to anybody. Each person expresses a certain concept and preferences and develops in one manner of another, sometimes even surprisingly, but that is something that is happening not only in our country, but in the world in general. It should not shock us very much. Life will settle the situation and teach us how to think more logically and realistically about such things.

The inquiry commission has nothing to do with this, being a Senate initiative. I do not think that it should have the political connotation that was at times attributed to it in order to hold accountable a government that resigned. In the final analysis, I understand that people want some explanations and information about certain concrete aspects of various statements that were made, also in the press, about certain irregularities among the government or nongovernment apparatus. I have not been following this matter and I would not pay it too much attention, except in order to obtain a correct image of the probity of government functionaries during their mandate. As a matter of fact, I supported a recommendation made at one point about having all holders of public office declare their fortune both when they come in and when they leave office. I am willing to submit to something like that at any time. I have no sponsors and I never accepted any sponsors, I live on the salary that was approved, and I discharge my duties in absolute honesty. This should be the general rule for every state functionary and we should have such a law, especially at a stage when various influences are causing many people to become disoriented. I am thinking even of a public office statute, which should lay down some restrictions from this viewpoint in connection with the activities of given state functionaries who must not run businesses from which they can benefit and be able to take advantage of the influence of their position and relations in order to favor companies for which they work. Such rules are observed in all the civilized states and we should sanction them legally, too, so as to eliminate any suspicion along this line and bolster the confidence of the public and the citizens in the quality and integrity of the people holding public responsibilities.

#### **Dissolution of Intelligence Service Advocated**

*92BA0574A Bucharest "22" in Romanian 15-21 Feb 92  
p 4*

[Article by Mihai Korne: "The Romanian Intelligence Service Must Nevertheless Be Dismantled"]

[Text] On 14 January, the head of the Romanian Intelligence Service [SRI], V. Magureanu, expressed thanks to the deputies for having passed the bill on the organization of the SRI. And not without reason! This kind of bill has not been passed in any European country since the collapse of communism!



Under this law, the new Securitate will acquire powers and advantages that the old one never had (or had them illegally), such as opening businesses and overseeing public officers. No other secret service has such outside sources of revenue to be able to operate autonomously, even if a future government or parliament were to cut its budget. The SRI is also assured nonpublication of the secrets of the old and new Securitate for 40 years. All told, four generations will be protected by secrecy.

The law was passed hastily and quietly while the attention of the public, stunned by the price rises and shivering in cold homes and work places, was directed toward the elections. The moment was well chosen and the opposition surprisingly complaisant....

A law with such implications should not even be discussed, let alone passed, by a parliament whose mandate stands to end in at most three months and whose senators and deputies often depend on the goodwill of the new Securitate for reelection.

The new Securitate is trying to appear as similar to the CIA, DST [expansion not given], Intelligence Service [as published], etc.

SRI representatives recently went to Sofia, where CIA agents were explaining the role of their organization in the American democracy. We need to recall that the Western services essentially played a role during the conflict between NATO and the Warsaw Pact. Currently, the CIA plans to retire many of its approximately 20,000 people, while the thousands of people who founded the SRI are recruiting. For a world power like the United States and even for second rank powers like England and France, securing political, economic, and military intelligence is still a necessity. Romania's role in the world was an illusion under Ceausescu and is inexistent at present. The country has mostly economic interests, but the old or new security careerists that have been for dozens of years perambulating from one economic body to the next have proven, with rare exceptions, incapable of defending them.

It is a mistake to think that economic espionage and the development of exchanges can go hand in hand. In a free country, a commercial attache follows the economic situation and establishes relations which not he, but his country's businessmen are expected to develop. The KGB and the secret services of the various CEMA countries thought that they could turn spies into businessmen. They did not succeed, but they developed economic espionage instead of business, proceeding from the fact that Stalin had obtained the American atomic secrets by espionage. They had forgotten, however, that the U.S. nuclear secret was not obtained thanks to the talents of the NKVD, but through people who after the war still believed in the communist ideals.

Later, the economic espionage funded by the KGB and by CEMA services, actually turned out to be a disaster for the Soviet camp. The illusion that technological secrets are easier to copy than to invent paralyzed

research throughout Central and East Europe and gave security primacy over inventors, engineers, or scientists. Whenever the KGB or one of the secret services managed to finally obtain the plans for various installations or for the formulas of new materials, they did not manufacture them right (see the crash of the airplane copied after the Concorde at Le Bourget international fair), or by the time they did so, the model or the formula was already obsolete.

Of course, the backwardness of the communist economies, whose collapse in 1989 dragged down the political regimes, was due primarily to the paralyzing system of centralized planning, but the role played by the KGB and the security services in the economy only hastened the bankruptcy.

After 22 December 1989 and especially after the establishment of the SRI, the role of the new Securitate was even more nefarious in the economy than in the other, more spectacular domains. In contrast to the provocation in Tirgu Mures, the electoral fraud, the miners' raids, the beatings and disappearances of opponents, which were limited in time, the economic disaster endures, it is growing, and is affecting everyone. The economic failure was presented in the country and even by several foreign analysts as inevitable and transitory, whereas in fact it could have been avoided. As long as the economic decisions will continue to be dictated by the interests of the Securitate, the crisis will continue. The SRI's interest is to maintain the old economic structures, which it controls and through which it can control the public. The market economy and privatization remain limited to minor sectors.

For the past two years the budget has been subsidizing economic dinosaurs, although everyone knows they are working at a loss. The subsidies are not spent only on salaries, which take up only a small part, but on raw materials, energy, repairs, and scarce materials, and they allow for neither rescuing or restructuring them.

For the past two years the CAP's [agricultural production cooperatives] have been under the management of the same bailiffs who, helped by their men, are ruling the villages and rural communes, because the peasants' means of working depend on their wishes.

Of course, the old industrial, agricultural, and service enterprises will not last forever. The privatization is inevitable and the old or new people in security know that much better than many of their opponents, who do not dare to fight them in the economic field. In the meantime, however, they are managing the economy so as to transfer the even remotely profitable enterprises, real property, and activities in their own hands.

The means that allows the well connected and moneyed mafia to procure, stock, and sell at inflated prices the goods that are becoming increasingly scarcer as the production drops, is inflation. The phenomenon is not singularly Romanian. The former KGB cadres have for a few years formed the same kind of mafia in various

Soviet republics. Like any senile oligarchy incapable of adapting to change, the mafia opposes progress by any possible means, in order to preserve its positions. While the south of Italy is currently one of the least developed areas of the Common Market, 300 km to the north lies one of the most developed areas; the stagnation was also caused by a mafia dating back to the Kingdom of Naples two centuries ago.

Romania can no longer afford this kind of stagnation. We are already the least developed country in Europe, after Albania. As long as the SRI will remain in charge of the country's policy, we will not make progress. This is a paralyzing institution, even though the new Securitate has in it persons who could adapt to change. Let us not imagine that it can change from the inside. For Romania to be able to make progress, the next parliament must dismantle the SRI.

The SRI is not an intelligence service like any in a democratic country, but a totalitarian structure. In a democracy the intelligence services have functions and structures different from those of the bolshevik CHEKA [Extraordinary Commission for Combatting Counter-revolution and Sabotage], Nazi Gestapo, or our Securitate. The latter in fact dominated the state and controlled all the areas and the life of each citizen.

In a democracy the information services feature specific branches and are divided among several organizations. In the United States, the FBI is active internally—crime, terrorism, drugs, and subversion—and the CIA internationally—espionage and counterespionage. The existence of several organizations limits the power of each one of them, encourages competition and thus efficiency, and makes it easier to allow parliamentary control and a relative respect for the law.

Lenin's CHEKA and the GRU, followed by Stalin's NKVD, which in 1945 established the Romanian Securitate and the services of the other East European countries and more recently the KGB, never worried about either the law or any outside control.

Those organizations were established for the purpose of annihilating the "inner enemy," and they never rid themselves of the crime that sired them. The savage methods by which they endeavored to destroy the internal opposition had nothing to do with defending the country, its borders, or its economy. The rage of destruction did not abate even after the opposition was physically and morally crushed. A totalitarian regime needs repression to justify its existence, not information to glean various aspects and give rise to free discussions. The Nazi Gestapo and its militias in German-occupied Europe worked by the same concept.

Of course, the Securitate did carry on activities abroad, which currently Magureanu is trying to present as serving the interests of the country. In fact, the Securitate was also primarily concerned with the "internal enemies" who had managed to escape and with Romanian political refugees abroad. Naturally, some did engage in

economic espionage, with the derisory results that we see today and that I cited above, and in political or military espionage for the benefit of the KGB. Even if not all those active in that area were in direct contact with the Soviets, they do not impress us as the most suited to belong to the intelligence service of a democracy.

An organization intended to repress the population, which was subordinated to the KGB for half a century, cannot become the defender of democracy and of a free country. After the collapse of Nazism, neither Adenauer nor de Gaulle allowed the new information services to employ, let alone to be managed by cadres from the Gestapo or from Lavale's militia. Germany and all the formerly German-occupied countries built several information services in such a way that none of them could acquire powers apt to threaten the freedom of the citizens or free economic enterprise. Of course, the new organizations did use former Gestapo or militia cadres, as did the FBI, CIA, or the Intelligence Service. None of those cadres got into positions of leadership, as old security officers unfortunately did in the SRI. In a democracy, too, the power may occasionally violate the law, but parliament control, judiciary control, and public opinion do limit abuses, and when necessary remove a prime minister in Japan or a President Nixon in the United States. In our country, the abuses are repeated, growing, and compounding each other: Four miners' raids, the trials of the former nomenklatura, court or parliamentary inquiries left inconclusive, generalized corruption, and organized inflation serve to impoverish millions of people in order to benefit a minority.

The country will not begin to recover as long as the new Securitate controls the power and feeds this rot. A free country cannot be under police tutelage. A democracy cannot allow at the head of its security service one of the organizers of the sinister trial that ended in the killing of the two Ceausescus. For the sake of internal order we need a well equipped police controlled by the law. For the sake of international relations and the welfare of the people we need an open diplomacy and economic cadres trained to promote market exchanges and a market economy.

Defending the borders and participating in the defense of Europe require a modern, well equipped army, relieved of commanding officers who never faced down an enemy, but who killed hundreds of people before and especially after 22 December 1989.

For us to forgive the crimes of the past, respect the law, and be able to respect ourselves, the SRI must be dismantled. In order to dismantle the SRI, we need to elect people who will have the courage to do it.

#### **Voting Irregularities Alleged in FSN Daily**

*92BA0546A Bucharest AZI in Romanian 12 Feb 92 p 2*

[Unattributed report: "Flagrant Violations of the Electoral Law"]

[Text]—At voting center No. 209 in District III, Mrs. Florica Cojocaru, an ADO [expansion not given]

observer, overstepped her function and blatantly made propaganda for the Democratic Convention and pressured citizens, much to the indignation of several voters. In the same district, at voting center No. 201, similar behavior was displayed by Mrs. Rodica Luzi, observer for the so-called apolitical Prodemocracy Association, I.D. No. B.C. 691898.

- At voting center No. 182, School No. 4, 4 Saniutei St., the members of the ballot commission, who belonged to the Convention, failed to show up for several hours, causing dissatisfaction among the voters and a low turnout.
- At voting center No. 114 in District I, Mr. Mircea Mosu engaged in electoral propaganda at the entrance to the center, urging the citizens to vote for the Democratic Convention. Representatives of the Democratic Convention at certain voting centers (135 and 189, third Bucharest electoral district) wore the electoral symbol of the Convention, something that was tantamount to an act of propaganda legally forbidden at that time. Observers of the Prodemocracy Association and observers and delegates of the Democratic Convention, present at the voting centers No. 220, 229, and 230 urged the voters to vote for the "Key." One such example was offered by Mr. Tutunaru, who ran for mayor on the Convention list.
- At voting center No. 135, District III, when several citizens asked to be shown the voting technique, delegates of the Democratic Convention showed them how to cast the Key ballot. "On sight" voting, on the ballot box, was noted at voting centers No. 12, 137, 202, 203, 204, and 207 of electoral district No. 3. Dual lists of voters were found at voting centers No. 131 and 128, district III.
- At voting center No. 178, names of deceased or persons departed from the country were not struck off the lists even after the relevant documents were produced.
- At voting centers No. 89 and 90, there were no mobile ballot boxes.
- At voting center No. 186, the ballot boxes were opened in violation of the legal provisions, and Prodemocracy Association observers sorted out and counted the ballots. Two such persons were Mr. Horea Razvan Liu and Mrs. Penea.
- At voting centers No. 186, 226, 227, and 228, Prodemocracy Association observers attempted to intimidate the commission chairmen by saying that they were affiliated to various international organizations and could therefore cancel the election....
- At voting center No. 34, District III, the page on which the FSN [National Salvation Front] candidates appeared was missing from the voting bulletins handed out.
- At voting center No. 212, FSN representative Mr. Corceatcov was threatened by Mr. Matei Papadia, a LADO [League for the Defense of Human Rights] observer, and by Mr. Ion Barbat, principal of the Cuza High School, who attacked him and threw him out of the voting center, so that the FSN representative was prevented from participating in counting the votes.
- At voting center No. 62, Mrs. Georgeta Popa, accredited by the Central Electoral Commission, entered the voting booth and influenced the voters in favor of the Democratic Convention.
- At voting center No. 29, District 5, one citizen requested voting ballots, but the list on which he appeared was hidden in a drawer, from where it was produced at the insistence of the FSN representative.
- At voting center No. 127, School No. 89, District 3, as they were handing out the voting ballots, the chairman of the electoral commission himself and with two other members were recommending to the citizens to vote for the Democratic Convention.
- We were informed that disruptive elements broke the window of the FSN office in District 2 in order to intimidate the Front members who were in the building.
- At voting center No. 14, School No. 26, FSN representative Mrs. Gheorghina Graur was requested by the representatives of the Democratic Convention to leave the voting center.
- At voting center No. 123, the Democratic Convention representative gave one person two sets of voting ballots. The person could not be identified, having refused to produce his identity card.
- At voting center No. 136, School No. 49, present at the desk of the electoral commission was Mrs. Simona Toma, representative of the Association of Romanian Journalists [AZR] and observer for ESOP/LADO [expansion not given], who was polling the voters before entering the voting booth both at 0730 and again at 1715.
- At voting center No. 99, AZR and LADO representatives who refused to give their names were conducting the same kind of poll at 1330 in front of a voting booth.
- At voting center No. 23, a LADO representative, on her own accord and without the knowledge of the chairman, carried blank ballots and a stamp to the homes of persons who could not go out.

- The chairmen of many electoral offices in District No. 3 absented themselves and were replaced by the deputy chairmen on the election day itself.
- The faulty system of assigning streets or apartment houses to voting centers prevented some voters from casting their ballot. In Electoral District No. 3 such examples occurred at:

Voting center No. 137, where only half of the building was assigned to the center, while the other half was attached to another center, located at a school farther away;

Voting center No. 121 was assigned streets farther away, while the apartment houses directly across the street went to a more removed center at School No. 87.

- Buildings S-1 to S-10 in the Decebal Ave. were not allowed to vote because their residents did not have the address entered in their ID's, due to the fact that ICRAI [Enterprise for Housing Construction, Repair, and Administration] had not accepted the apartment houses from the builder.
- A number of observers noted that most of the chairmen of the voting centers bureaus were not familiar with the electoral law.
- At several hospitals and old people's homes, the lists of voters featured persons who were not present for various reasons, and mentally retarded persons.
- At voting center No. 22, District 2, Mrs. Adela Bistriceanu was making propaganda for the National Peasant Party and she attacked two FSN candidates: Mihai Stefanescu and Longin Angelescu. The police had to intervene. An accredited FRONTPRES female editor was also attacked.
- At voting center No. 23, District 2, a representative of the Convention was stamping the ballots and accepting several ballots from one person, who had voted in lieu of absentees. When the commission chairman, Mr. Mircea Cretu, drafted a report on the incident, the representative in question proceeded to insult him.
- In the afternoon and evening of 9 February, the police were notified about the disappearance of one "Voted" stamp each from the voting centers of Tomesti-Deal, Tomesti commune, Iasi County; Izvoarele commune, Tulcea County; voting center No. 3 Popeni, Vaslui County, and four stamps from voting center No. 1 Zorleni, same county. Efforts are underway to recover the eight stamps.
- The same day, responding to a notification, cadres of the Police Inspectorate of Galati County found at the S.C. Porto Franco S.A. printing shop in Galati several packets of uncut and unfinished sheets of scrap paper left over from the printing of voting ballots. Measures were taken to seal and put the scrap paper under guard. Investigations also revealed that local representatives of the PNT-cd [National Peasant Christian Democratic Party], PDM [Democratic Labor Party], and PAC [Civic Alliance Party] showed up at the Galati Municipal Electoral Bureau No. 7 with this kind of ballots, which they claimed to have found in their mailboxes and courtyards. The police are investigating.
- On 9 February at 1800, cadres of the Police Inspectorate of Alba County noted that the ballot boxes at the voting center No. 3 in the village of Colbi, Electoral District No. 49 of the commune of Ohaba, were opened and the ballots were being counted, on the pretext that out of 75 voters, 64 voted, five were away, and six were not able to produce IDs. Since the ballot box was opened before 2100, inquiries are underway with a view to opening penal procedures against Electoral Bureau Chairman Nicolae Olteanu and vice chairman Toader Mandrea, in accordance with Law No. 70/1991.
- On 9 February at 2100, Mr. Vasile Lupu, chairman of the Iasi County branch of the PNT-cd, alerted the Iasi County Police to the fact that Stefan Albu, who was running for mayor of the commune Tatarusi, was not able to leave his home, while representatives of the Democratic Convention were barred access to the four voting centers of the commune by the chairman of the electoral bureau. Police inquiries showed that in the morning of 9 February Mr. Sandu Ion Vasile, council candidate for the Democratic Convention, showed up at the Iorcani voting center, Tatarusi commune, and asked to check the documents of the voting center. He was turned down, because he did not have an observer ID.

#### Elsewhere in the Country

- Violations were committed in Satu Mare, from fraudulent obtaining of electoral documents to multiplying and handing them to a foreign national for the purpose of discrediting the country; the case is now under police investigation.



**Commentary on Macedonian Constitutional Court**

92BA0462 *Skopje NOVA MAKEDONIJA*  
in *Macedonian* 26, 27 Jan 92

[Article in two installments by Tsvetan Tsvetkovski:  
"The New Constitution and the Constitutional and  
Judicial Safeguards of the Basic Rights and Liberties of  
the Person and the Citizen"]

[26 Jan p 2]

[Text]

**Step Toward New Quality**

The constitutional and judicial safeguards ensure all of the rights and liberties from any violation or neglect. The Constitutional Court will annul any legal act that violates them, and any specific action based on such an act will be the responsibility of the respective authority or court.

Starting with the very first acts that embody the results of the bourgeois revolutions, and under the strong influence of philosophical thinking of the 17th and 18th centuries, particularly the philosophy of natural law, the basic rights and liberties of the person and the citizen are an intrinsic part of any modern constitution. The main features of the contemporary process of constitutional assertion and guarantee of basic rights and liberties appear in the subsequent additions to the list of classical liberal rights and liberties and the broadening of their content, as well as the anticipation of new types of social, economic, and cultural rights and liberties. The main value of the constitutional assertion and guarantee of basic rights and liberties is manifested in the fact that they are legally inviolable, thus setting a material limit to all aspects of official rule, from the process of the formulation of laws and other general acts to their application in specific cases.

The systems of legal means of protecting the basic rights and liberties of the person and the citizen, although showing substantial differences among the various constitutional systems, must meet one single requirement: such protection should be a structural part of and prerequisite for the process of the exercise of such rights and liberties. The first historical phase in the development of such systems is the principle of the two-step process in the separation of the executive and the judiciary; the second phase is the introduction of a court hearing as an aspect of judicial control over the legality of government acts; the third and most important phase is the constitutional and judicial safeguard of rights and liberties, in their totality, from any violation or neglect.

**Against Violation and Restriction**

On the basis of the tradition of anticipating an indirect constitutional safeguard of rights and liberties of the person and the citizen as approved in the Constitution, through the evaluation of the constitutionality of laws and other general acts, the new Constitution of the

Republic of Macedonia is a step forward in ensuring a new quality in their protection by anticipating their direct constitutional protection from violations resulting from laws and actions of public authorities, as a result of which the constitutional safeguard is improved and adapted to deal with all aspects of the violation of fundamental rights and liberties. The anticipation of this new element in the mechanism for the protection of rights and liberties constitutes a necessary institutional addition to this new constitutional concept. Within the framework of this concept, the rights and liberties of the person and the citizen are fundamental aspects of the constitutional order, on whose basis and for whose sake the overall system of social relations is structured and implemented. As the active subject in the creation and functioning of the constitutional and social order, the person and the citizen is the initial and final point of this process. The introduction of direct constitutional and legal protection of the fundamental rights and liberties of man and the citizen is linked to the constitutional intention to provide a precise and categorical definition in order to prevent and eliminate in advance any possibility for the latter to be interpreted erroneously and restrictively and thereby lead to harm and restrictions.

The new aspect of a direct constitutional and judicial safeguard of fundamental rights and liberties is relative, both in terms of its global and its internal dimensions. It is familiar to most constitutional systems with constitutional courts and also existed in the constitutional system of the Socialist Republic of Macedonia, which was based on the 1963 Constitution. That is why the implementation of the internal mechanism and structure of this constitutional institution and defining the expectations based on its functioning could be achieved by comparing it with the respective legal models applied in other countries and their practical functioning, as well as the corresponding model and practice prevalent in our country between 1963 and 1974.

**Constitutional Courts as Safeguards**

Switzerland, Austria, and Germany have the oldest traditions and the richest practical experience in direct constitutional and judicial defense of fundamental rights and liberties of the person and the citizen. Their models provide indispensable examples for any contemporary effort to construct a constitutional defense. In those countries, the constitutional and judicial protection of the liberties of the persons and the citizen have been ratified and guaranteed by the Constitutions and are considered one of the foundations of the law-governed state and the backbone of the safeguards of constitutionality and the law. Without exception, the basis for the implementation of these rights is founded on the Constitutions of these countries, which define the necessary elements of these rights, while the remaining prerequisites and means of implementation are, as a rule, subject to legislation. Furthermore, constitutional and judicial practices greatly determine their ultimate configuration. The direct guardians of the fundamental rights and liberties are the constitutional courts, and the individual

laws promulgated by authorities and organizations of the government are subject to their assessment. (The only exception is Austria, where such defense is aimed exclusively at the acts of the state administration and not at the sentences passed by regular courts. This exception is related to the traditionally high reputation of Austrian courts). The purpose of direct constitutional and judicial safeguards of the fundamental rights and liberties is not only to defend the constitutional order as an objective-legal order, for it is implemented through the evaluation of the constitutionality of the laws and the constitutionality and legality of other stipulations and general laws, but also to defend the subjective rights of the citizens, which may have been violated by various legal acts carried out by public authorities. For that reason, the originators of the initiative of its strengthening are citizens or other holders of subjective rights whose rights and liberties may be directly and personally violated through specific legal acts or actions, liberties and rights deemed constitutionally fundamental.

In accordance with the principle of legal protection, the right to request direct constitutional and judicial protection has been limited only to individual acts, in which any possibility of redress through regular or special legal actions by regular courts and within given time limitations has been exhausted. The direct protection of fundamental rights and liberties of the person and the citizen does not in itself grant a constitutional court the right to take over the resolution of a specific administrative or ordinary court issue. If a basic right or liberty has been violated or restricted, the constitutional court can rescind only the act that has led to the violation. It must ask that the specific issue be once again referred to the proper administrative authority or ordinary court that is ordered to observe the stipulations of the constitutional court as formulated in the resolution requiring the protection of the respective right or liberty.

#### **In the Interest of the Citizen**

The direct constitutional and judicial safeguard of the fundamental rights and liberties of the person and the citizen in the countries we mentioned is extremely popular and accounts for most of the work of constitutional courts. The practice of constitutional courts in this area of activities is noted for its exceptional creativity, particularly in establishing the meaning and extent of the fundamental rights and liberties as approved by the Constitution. Whereas, in setting the criteria for evaluating the constitutionality of individual acts the constitutional courts are restrained by the positive constitutional text, they may choose within an exceptionally broad range of interpretations of that part of the Constitution that asserts and guarantees the fundamental rights and liberties in which the guiding principle is invariably the interest of the citizens, particularly in cases in which the exercise of the respective right or liberty may be consistent with or clash with the exercise of a public or state interest. This popularity of direct constitutional and judicial safeguards for fundamental rights and liberties is also due to the fact that this is the only way

available to the citizens to directly appeal to the Constitutional Court either in the defense of their subjective rights or in initiating steps for determining the constitutionality of the laws. For that reason, the danger is always present that the constitutional courts could simply be overwhelmed by issues related to defending rights and liberties, even though only a small percentage of such requests are justified. To avoid the danger that any direct exercise of constitutional and judicial safeguards of fundamental rights and liberties turn into yet another level of regular court decisionmaking, which would be neither necessary nor efficient, the constitutional courts function in two areas: First, they try to influence, through their rulings, the legal awareness of the citizens by regularly indicating the line that separates the constitutional and judicial protection of the fundamental rights and liberties of the person and the citizen (which is the constitutional essence of the respective right or liberty) from the protection provided by the regular courts in supervising the legality of individual acts (which is the correct application of the law that indicates the ways and means for exercising the corresponding right or liberty). Second, obviously groundless requests, submitted in haste and without proper substantiation, are rejected by either one of the justices or by a smaller number of justices.

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[Text]

#### **Testing the Capability of the Constitutional Court**

In each specific case, we must begin by establishing the true constitutional dimension of the fundamental rights and liberties and, subsequently, the nature and ways of harming or restricting them. Any other approach creates confusion in the legal system.

The first question that arises in the comparative and historical analysis of direct constitutional and judicial safeguard of fundamental rights and liberties of the person and the citizen is that of the quality of the constitutional foundations for its exercise. The new Constitution of the Republic of Macedonia asserts the right of the citizens to appeal to the regular courts and to the Constitutional Court of the Republic of Macedonia in the defense of their rights and liberties, as well as the requirement of the Constitutional Court to protect the rights and liberties of the person and the citizen in the areas of freedom of belief, conscience, thought, and public expression of thoughts, political assembly, and action. It prohibits any discrimination of citizens on the basis of sex, race, religion, or social, political, or other affiliation. This is the overall foundation for direct constitutional and judicial safeguard of the fundamental rights and liberties of the person and the citizen, which inevitably leaves the impression that, other than ensuring such protection, it does not provide for even a minimum of standard elements for such an action directly based on the Constitution or on any further legal settlement. Furthermore, the Constitution does not offer

any possibility of passing a law settling the conditions and means of providing such a protection, which, in itself, leads to the conclusion that such issues will be resolved by a legal act passed by the Macedonian Constitutional Court as part of the method applied in its proceedings and rulings.

Therefore, the constitutional formulation of the direct constitutional and judicial safeguard of the fundamental rights and liberties of the person and the citizen differs from European standards in three aspects: first, because the object of the constitutional and judicial safeguard does not include all rights and liberties that the Constitution considers fundamental, but only that part of them that are not based on any apparent rational or principle-minded criterion, thereby greatly diminishing such protection; second, because the constitutional stipulations do not include the elements of the protection that constitute its essence (the carriers of that protection, the object of the protection, the legal action required for the protection, and so forth), which means the absence of any constitutional obstacles to degrading it, in violation of the Constitution; third, because neglecting the overall description of such protection by an act issued by the Constitutional Court in itself means a drop in the level of the legal regulation of this matter to two grades below the standard European level, which includes a constitutional rule governing the essence of the protection and the legal formulation of the ways and means to implement it. On the basis of the constitutional and legal importance of protecting the fundamental rights and liberties of the person and the citizen, which stems from the constitutional concept of their legal inalienability, and manifested as equating the right to protection of the fundamental rights and liberties with the very essence of these rights and liberties, it earmarks the only consistent decision concerning the significance of the fundamental rights and liberties—the drafting of a constitutional law that would settle all relevant issues concerning the exercise of their direct constitutional and judicial safeguard.

#### **Between the Constitution and the Laws**

The second question that emerges from the comparative study of the systems of direct constitutional and judicial safeguards of the fundamental rights and liberties of the person and the citizen pertains to the line separating that protection and the protection provided by the other bodies within the constitutional system. In terms of its nature, this is a theoretical question whose answer requires a definition of the true meaning, content, and dimensions of constitutional and judicial protection.

The basis for distinguishing among the different types of protection of the fundamental rights and liberties of the person and the citizen stipulated in the Constitution stems directly from the essence, meaning, and dimensions of the constitutional guarantees of such rights and liberties. The constitutional validity of the liberties and rights demands that their exercise be based directly on the Constitution in order to ensure their inalienability

and inviolability. Given the complexity of social relations, the direct protection of these rights and liberties is necessarily provided on only an exceptional basis. As a rule, their implementation is achieved through the application of the laws in the respective area of social relations, laws that detail the ways and means for the exercise of the respective rights and liberties. For that reason, it is only in exceptional cases that the violation of the fundamental rights and liberties, ratified in the Constitution, is treated as a direct violation of the Constitution; as a rule, such a violation is dealt with as a violation of laws in other areas. Consequently, it is only on an exceptional basis that the direct constitutional and judicial safeguard of the fundamental rights and liberties raises the question of its own separation from the other means of protection—above all, the protection extended by the regular courts that supervise the legality of official acts and judicial rulings. Therefore, the need for such a demarcation stems from the fact that the object of consideration by both the Constitutional Court and the regular courts remains the same: individual acts that violate the fundamental rights and liberties of man and the citizen.

To begin with, this issue is resolved with the formulation of various criteria, in the matter of which the Constitutional Court, on the one hand, and the regular courts, on the other, determine the existence or nonexistence of a violation of the fundamental rights and liberties. In the case of the Constitutional Court, it is that part of the Constitution that asserts these rights and liberties and that guarantees them; in the regular courts, the laws determine the ways and means of the exercise of such rights and liberties. Whereas on the theoretical level the extent to which this issue is resolved is quite clear, in practical terms it becomes much more complex due to the fact that, in all cases, any violation of the Constitution necessarily implies a violation of the law but not vice versa: In itself, a violation of the law does not mean a violation of the Constitution. This is the consequence of the different levels of abstraction, principles, and generalization in the way in which such social relations are regulated in the Constitution, on the one hand, and in the law, on the other. Therefore, a major, difficult task remains with respect to the practices of the Constitutional Court in providing direct protection of the fundamental rights and liberties of the person and the citizen. This task is to develop the ability of the constitutional court, in each specific case, specifically to determine the true constitutional dimension of the fundamental rights and liberties and the content and extent of a violation or restriction through individual acts implemented by public authorities. One of the guiding principles here must stem from the fact that the direct constitutional and judicial safeguard of the fundamental rights and liberties is not one more level for supervising the legality of individual acts passed by the authorities or the rulings of regular courts. This would be neither necessary nor rational and would only deepen the confusion in

legal matters and pose a threat to the principle of juridical security. This is manifested in determining the legality of individual acts.

#### **The Danger of a Legal Tangle**

The danger of a distorted understanding of the essence and extent of the constitutional and judicial safeguard of the fundamental rights and liberties of the person and the citizen could indeed be present if the subject is approached on an extensive basis and if the determination of any impropriety in the application of laws is considered as a violation of the constitutional stipulations that assert and guarantee the respective right or liberty of the person and the citizen. This can be avoided only in practice to the extent the constitutional and judicial evaluation is applied only to cases involving the essence of the respective right or liberty and to those that, because of the nature of relations, cannot be eliminated through steps to control the legality of actions taken by regular courts. The Constitutional Court has no need whatsoever to evaluate the overall legality of individual acts, from the legal viewpoint, even in cases of their obvious irregularity because the essence of the control of their legality is ensured through the regular

and extraordinary legal redress through court rulings and the opposition of the authorities to some regulatory acts. This is the function of the regular courts. The constitutional dimension of the fundamental rights and liberties in itself calls for the direct constitutional and judicial safeguard to be invoked only when the stipulations of a given legal act or the nature of the action of a public authority could result in illogical interpretation and obvious confusion, circumvention, or distortion of the meaning and content of the respective right or liberty as asserted in the Constitution, and when the immediate result could be to deny the possibility of the exercise of the right or liberty in a specific case or could result in harmful material and other consequences to the holder of the subjective right. Otherwise, the direct constitutional and judicial safeguard of the fundamental rights and liberties would turn from a special constitutional means of constitutional and legal significance to an unclear legal tangle of actions facing the regular courts. This would produce the fewest possible benefits in the exercise of the rights and liberties of the person and the citizen and in the observation of the principles of constitutionality and the law. It would also increase the confusion in the legal system.



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